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MICROBE-CULTURE AT BUKAREST

Discoveries at the German Legation

From

The Rumanian Official Documents

HODDER & STOUGHTON

LONDON

NEW YORK

TORONTO

MCMXVII.

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THE DOCUMENTS

NOTE FROM THE RUMANIAN MINISTRY FOR FOREIGN AFFAIRS TO THE GOVERNMENTS OF NEUTRAL STATES

ANNEX 1.—*Procès-verbal* of Sept. 22nd/Oct. 5th, 1916, relative to the excavations made on that date in the garden of the German Legation.

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Discoveries at the German Legation
From the Rumanian Official Documents

RUMANIA renounced her neutrality towards the Central Powers in the third August of the war, and the Germans professed indignation. But when the German diplomatic staff left Bukarest it was discovered that they had not renounced but violated their neutrality towards Rumania during these two years of peace, and this violation had been trebly disgraceful. It was committed clandestinely under the cloak of friendship; the instruments of it were the accredited representatives of Germany in the Rumanian capital; and the hostile acts of which they were guilty were dastardly and devilish. Fifty infernal machines, and six test-tubes containing cultures of the anthrax and glanders bacilli, had been conveyed by German diplomatic couriers (exempted by their international privilege from the scrutiny of the Rumanian Police) from the German Consulate at Brassò (Kronstadt), in Hungary, to the German Consulate at Bukarest. These objects were afterwards unearthed in the garden of the German Legation, in the presence of a member of the U.S. Legation and of the

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Rumanian Prefect of Police, when the German diplomatists had departed. The story would be incredible if it were not proven by incontrovertible documentary evidence.

“The attention of the Rumanian Government,” states the Minister for Foreign Affairs, “had for some time been attracted by certain activities of the German Consulate at Bukarest, which seemed to it suspicious. On several occasions, packets and cases had been introduced with a multitude of precautions into the Consulate, and had not issued from it again till the day before our declaration of war (Aug. 14/27th, 1916), when a certain number of them were transferred to the German Legation, which at Bukarest occupies a separate position situated at a considerable distance from the Consulate in question. The Rumanian authorities having further convinced themselves that the suspicious cases had not been taken away, on their departure, by the German diplomatic staff, and that consequently they must still remain on the Legation premises, the Government ordered the Prefect of Police of Bukarest to take the necessary steps for the recovery of the cases in question and for the examination of their contents. In pursuance of this, the Prefect conferred with the U.S. Minister Plenipotentiary, to whose charge had been committed the protection of German subjects in Rumania and the guardianship of the premises of the Imperial Legation. His Excellency was good enough to authorise Mr. W. Andrews, his

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Secretary of Legation, to accompany the Prefect of Police in his search, as international custom prescribes. . . .”

The search was conducted on Sept. 22nd/Oct. 5th, 1916, at Bukarest.

“Mr. Andrews and I,” states the Prefect of Police in his first *procès-verbal* of the same date, “accompanied one another at 11 a.m. to the premises of the German Legation at Bukarest, Calea Victoriei No. 188, where we found present the persons Michael Markus, porter, and Andrew Maftei, servant, who had both been authorised to remain in Bukarest and live as caretakers on the Legation premises, upon a request made by the head of the departing diplomatic staff and transmitted by the U.S. Legation.

“I, the Prefect of Police, then explained to Michael Markus the object of our visit and our desire to conduct a search in the garden of the Legation premises, and the said Michael Markus did not deny that a box and several cases, of which he professed not to know the contents, had been buried in the Legation garden. . . .”

Michael Markus' deposition is contained in a second *procès-verbal*, drawn up on the same date by the Prefect of Police.

“My name,” he deposed, “is Michael Markus, German subject, domiciled at Bukarest on the premises of the German Legation, where I have been in service 22 years. . . .”

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“Either the day before the departure of the German diplomatic staff from Bukarest, or on the day itself, Herr von Rheinbaben, Councillor of the Legation, ordered me to burn the flägs and anything else that might have been left lying loose. The cases now in question were in a basement room, whither they had been brought from the German Consulate before the day on which the mobilisation decree for the Rumanian Army was published. When I drew Herr von Rheinbaben’s attention to these cases, he told me that they must be buried.

“After the departure of the staff, I asked Herr Krüger, Chancellor of the Legation” (then attached to the U.S. Legation at Bukarest) “what I was to do with the cases. He replied that they must be buried, and Herr Krüger himself, Andrew Maftai, and I proceeded to take them and bury them in a trench we dug. I did not know what the cases contained. I only know that Herr Krüger advised me to handle them cautiously. As regards one of them—a box wrapped in paper, and bearing the seal of the Imperial Consulate—I remember that on the day before the mobilisation, or possibly on the day itself, Herr Adolf (I forget his christian name,* but I know he was Assistant Military Attaché to the Military Attaché, Colonel Hammerstein) gave me this box, and told me to bury it in the garden. I helped for a moment at digging a hole, but as I was very much taken up with my duties, it

* Herr Lucian Adolf is the gentleman referred to.

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ended in Herr Adolf burying the box himself. He did not tell me what was in the box, which he kept in his hand. I do not know where the box came from or who had brought it. I set eyes on it for the first time the day Herr Adolf asked me to bury it in the garden. . . .”

Michael Markus' deposition was confirmed by Andrew Maftei.

“At our request,” the Prefect of Police continues in his first *procès-verbal*, “Michael Markus fetched a spade and dug in the garden border skirting the wall of the Legation building towards the Rue Kosma, between the eighth and ninth tree, counting from the corner of the building. Here, at a depth of about 50 centimetres, the digging brought to light first 50 ‘Bickford cords’ with charges, and then 50 metal boxes of an elongated rectangular form. . . .”

“At another spot in the garden, along the party-wall dividing the garden of the Legation from the next premises in the Rue Kosma, we dug again, after Michael Markus had removed a pile of firewood which covered it; and this time we brought to light a box of rectangular form, wrapped in white paper, and bearing in red wax the seal of the Imperial German Consulate at Kronstadt. It also bore the following directions in writing:—

By King's Messenger! Very Secret! Not to be thrown!!!

Bukarest.

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For Herr Kostoff,

To His Honour

The Colonel, Military Attaché to

The Imperial Bulgarian Embassy at Bukarest,

Herr Samargieff.

“Under this first wrapper there was a second, also of white paper, bearing the following directions, written in red pencil :—

Very Secret

By Tela

To the Royal Colonel and Military Attaché His Honour Herr von

“The name had been rubbed out, but traces of the letters *H a m . . . t . i n* (Hammerstein ?*) can still be recognised on a close examination.

“Inside the box, above a layer of cotton-wool, there was a typewritten note in German, to the following effect :—

Herewith 4 tubes for horses and 4 for horned cattle. For use as directed. Each tube is sufficient for 200 head. If possible, administer direct through the animal's mouth ; if not, in its fodder.

Should be obliged for a little report on success with you. If there should be good news to report, Herr K.'s presence here for a day desirable.

‘Beneath the layer of cotton-wool there were six little wooden boxes of elongated form. In each box there was a glass test-tube containing a yellowish-looking liquid. . . .’

“As appears from this *procès-verbal*,” the Prefect of Police adds in his covering report to the

* Colonel von Hammerstein being the German Military Attaché at Bukarest.

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Minister for Foreign Affairs, "the discovery of the explosives and of the packet containing the phials of microbe-cultures, buried in the garden of the German Legation, took place in the presence of Mr. W. Andrews and of Messrs. Michael Markus, porter of the Legation premises, and Andrew Maftai, servant in the said Legation. Mr. W. Andrews signed, *ne varietur*, the paper wrapper of the box containing the phials, which bore the seal of the Imperial German Consulate at Kronstadt, as well as the address of the consignees. He also signed the note in German found inside the box, explaining how to use the liquid contained in the phials. For my part, I sealed with the seal of the Prefecture of Police the boxes containing the cartridges of explosives, the packet of fuses, and the boxes containing the phials. I sent specimens of these to the proper laboratories for analysis and experiment. . . ."

The infernal machines were sent to the Royal Military Pyrotechnical Laboratory, which reported on them in the following letter to the Prefecture of Police :—

"Kingdom of Rumania,

"Military Pyrotechnics,

"(Letter) No. 10472.

"Sept. 27th/Oct. 10th, 1916.

"The explosives discovered at the German Legation, forwarded to us for examination by the Prefecture of Police, consist of :—

"(i). Fifty cartridges formed of rectangular

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boxes made of zinc sheeting—dimensions $20 \times 7 \times 5$ centimetres. Three of the main surfaces each contain a priming-point, in order to allow of the cartridge being primed in any position.

“These mine-cartridges weigh a kilogramme each, and bear the mark: *Donarit I. Kavalerie Sprengpatronen. Sprengstoff A. G. Carbonit Hamburg Schlebusch.*

“The explosive contained in these boxes belongs to the order of high explosives with nitrate of ammonium and trinitrotoluene (trotyl) and its less nitrous derivatives as their base.

“As a destructive agency, this explosive belongs to the category of dynamite with *Kieselguhr*, one kilogramme developing 700 major calories.

“As regards its destructive effects, it may be sufficient to mention that 200 grammes of the said explosive, that is, a quantity equivalent to one-fifth of the contents of each box, if placed on a railway track, would cause the destruction of it over a length of one metre.

“The fifty kilogrammes might cause the destruction of a bridge-pier or of a large building, serve to mine a road, and so on.

“(ii). Fifty fuses, each 2 metres long, and provided with a detonating cap containing 2 grammes of fulminate of mercury.

“These fuses are of the kind commonly employed to cause an explosion either on wet or dry ground.

“Although the mine-cartridges, as well as the

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caps and fuses, look in bad condition on account of their having lain buried in earth, they are nevertheless perfectly fit for use.

(S.) "LIEUTENANT-COLONEL PHILIPESCU,
"Director of Pyrotechnics. (L.S.)
"SUB-LIEUTENANT A. PECURARU,
"Chemist in Chief and Managing
"Head of the Laboratory."

This was the report on the infernal machines. The test-tubes, meanwhile, had been sent to the Rumanian Institute of Pathology and Bacteriology, and the Director, Dr. Babesh, reported to the Prefect of Police upon them in the letter which follows:—

"Institute of Pathology and Bacteriology.

"(Letter) No. 361.

"Bukarest,

"Sept. 28th/Oct. 11th, 1916.

"MR. PREFECT

"In response to your letter No. 134003, of Sept. 24th/Oct. 7th last, in connexion with which you have been good enough to transmit to me for analysis two stopped phials, each containing a yellowish-looking liquid, I have the honour to inform you that, after making the experiments desired, I obtained the results set forth below.

"The liquid found in the first phial, the stopper of which was wrapped in red paper, secured by a tag of thread twisted round the neck, was seen under the microscope to contain a very considerable quantity of thin, oblong bacilli with slightly

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undulated filaments. I applied subcutaneous injections of this liquid to two guinea-pigs, which died after thirty hours. I also made inoculations in gelatine and potatoes. In these mediums the culture developed a large quantity of colonies, which were recognised under the microscope as carbon bacilli. The coating of the organs and the blood of the guinea-pigs in question also contain a large quantity of bacilli, which present all the characteristics of the carbonic bacteride, and the same condition has been observed in the sections of their organs (liver, spleen, intestines), so that I can declare positively that this first phial contains a very virulent culture of the anthrax (carbon) bacillus.

“The liquid contained in the second phial, of which the stopper and neck were wrapped in white paper secured in the same way as in the other case, reveals, under microscopic examination, a number of thin bacilli and short, thin filaments resembling the glanders bacilli. Having made inoculations of these in potato, I observed to-day, being the third day since the inoculation was made, that on one of the fields of culture there had developed a thin bacillus and filaments in colony form, of a transparent, mucous appearance, but in great part dry, thin, and adhering to the surface of the potato. It is possible that this bacillus might be the glanders bacillus. I applied injections of this liquid to horses, and will communicate to you the results of these experiments as soon as they are completed.

(Signed) “DR. BABESH, Director,”

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The results were duly reported in a second letter from Dr. Babesh to the Prefect of Police of Bukarest :—

“Institute of Pathology and Bacteriology.

“(Letter) No. 374.

“Bukarest,

“October 5/18th, 1916.

“MR. PREFECT,

“In resumption of my letter No. 361, of Sept. 28th last, I have the honour to inform you that, having now completed my investigations with regard to the phials of microbe-cultures received in connexion with your letter No. 134003 of Sept. 24th, I have ascertained the following facts :

“(i). The phial wrapped in red paper contained a culture of the carbon (anthrax) bacillus, which has been identified by inoculations and as a result of injections practised upon guinea-pigs.

“(ii). The phial wrapped in white paper contained a culture of the glanders bacillus, which has been identified by inoculations and as a result of injections applied to animals.

(Signed) “DR. BABESH, Director.”

The implications of these discoveries are examined by the Rumanian Minister for Foreign Affairs in his Note to Neutral and Allied Governments, to which the copies of the documentary evidence are annexed.

“It has thus been proved,” he writes, “in a manner that is unfortunately beyond dispute,

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that before our declaration of war against Austria-Hungary, that is to say, at a period when the Rumanian Government was observing a strict neutrality and maintaining normal relations with the German Empire, the staff of the Imperial Legation violated all the rules of neutrality and all the duties of diplomatic representatives by introducing secretly into the Rumanian capital considerable quantities of an extremely powerful explosive, and bacillus-cultures which were intended for the infection of domestic animals, and were in consequence likely to produce terrible murrains, as well as maladies transmissible to human beings.

“There is no possible doubt as to the manner in which the substances in question must have been introduced into Rumanian territory. The extremely rigorous measures of frontier police which were taken by the Rumanian Government from the beginning of the European War and were continually strengthened at later dates, are ample proof in themselves that these explosives and bacillus-cultures were dispatched through diplomatic channels—as is corroborated by the seal of the German Consulate at Brassò, placed upon the box of microbe-cultures—and that they can only have reached the Imperial Legation through the agency of diplomatic couriers, protected by the special immunities attached to their office. The names of the successive consignees of the package of phials also make it possible to ascertain the time-limits within which the said

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cultures were imported into Rumanian territory. The Bulgarian Military Attaché, Samargieff, took up his duties on Sept. 28th/Oct. 11th, 1913; Mr. Constantine Kostoff, the delegate of the Bulgarian railway administration to the Rumanian railway directorate, acted in this capacity in Rumania from Jan. 7/20th, 1915, to Aug. 12/25th, 1916, when, two days before our declaration of war, he was presented to the Rumanian Ministry for Foreign Affairs as attaché to the Bulgarian Legation. Finally, Colonel von Hammerstein joined the Imperial German Legation as Military Attaché on May 2/15th, 1916. All three left Rumanian territory on Aug. 21st/Sept. 3rd, 1916, and on Aug. 23rd/Sept. 5th following, in consequence of the rupture of our relations with Austria-Hungary's allies.

"Neither can there be any doubt as to the object with which the said substances were imported into Rumania, or as to the use for which they were intended, for it can easily be understood that these explosives and bacillus-cultures could not have been introduced secretly from Rumania into Russia, there being no German diplomatic couriers to introduce them, and that they were not intended, either, for transmission to Germany's Balkan allies, since in that case there was no difficulty in dispatching them direct to the German Legations at Sofia or Constantinople. It is thus evident that the explosives and bacilli were to be employed in Rumania, most probably in time of peace, since the Legation was

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requested to 'make a little report' on the 'success' obtained, and to communicate the results through the agency of 'Mr. K.' It is proved, in fine, that in time of peace members of the German Legation, protected by their immunities, were preparing, in complicity with the members of the Bulgarian Legation, to perpetrate, on the territory of a friendly neutral state, criminal attempts against the security of this state and against the lives of its subjects.

"The Rumanian Government feels it its duty to protest solemnly against these criminal proceedings, and especially against the employment of microbe-cultures—a dishonourable weapon, certainly worse than the employment of poison, which is forbidden in terms to belligerents by the Fourth Hague Convention. It must also protest against this unheard-of violation of the imperious duties of loyalty and correct conduct which are imposed by international law upon diplomatic representatives in return for the prerogatives and privileges which it guarantees them."

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**THE WAR ON
GERMAN SUBMARINES.**

SIR EDWARD CARSON
ON THE
BRITISH NAVY'S SUCCESS.

T. FISHER UNWIN, Ltd.,
1, ADELPHI TERRACE, LONDON.

1917.

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THE SECURITY FOR ALLIED LOANS

An effort has recently been made to befog the minds of investors as to the precise meaning and value of the conditions on which the Allied Powers have raised in America the loans necessary to keep American factories busy with munition orders. It may be well, therefore, to define once more the security on which these loans rest. Great Britain has publicly offered four loans in the United States, of which three have been "secured" and one "unsecured." The "secured" loans need no lengthy reference. American subscribers thereto have, as collateral security for repayments, bonds, mostly American, deposited with American Trust Companies which provide, with ample margin, for the repayment of the loans at their due date even if the capital cities of every one of the Allies were destroyed by a thunderbolt. The only "unsecured" loan offered publicly by Great Britain in the United States is the issue of Anglo-French Fives, dated October 15th, 1915—the first loan, in fact, to be offered to the American investor by the English Government. These bonds are the joint and several obligation of the British and French Governments, and their amount is 500 million dollars, the annual interest charge being, therefore, 25 million dollars. It has been suggested that some legal quibble might enable the British and French Governments to avoid or postpone repayment of these bonds when they fall due in 1920. One may, therefore, recall that the prospectus inviting applications for the loan, which was notified all over America, stated that "both principal and interest are payable in New York City in United States gold coin, without deduction for any present or future British or French taxes." To this prospectus were appended the names of 62 of the leading American Banks and Trust Companies—evidence enough for the plain man that this provision was, in fact, contained in the contract for the loan. This contract, as is well known, was concluded in *New York* with the American Banking Syndicate by the duly accredited representatives of the French and British Governments, and is, therefore, a contract made under the laws of the United States. Thus any precedents of decisions by the United States Courts allowing foreign corporations to vary contracts for repayment are irrelevant to the case of the Anglo-French Fives, which, having been issued under a contract made in America, are in effect American, not foreign, loans.

As for the security for this loan of 500 million dollars, it can hardly be a matter for question. The French Government raised from taxation alone during 1915 some 800 million dollars, and British revenue from taxation is, at present,

being collected at the rate of 2,500 million dollars a year, or, together, more than 130 times the interest required for the Anglo-French Fives. Statisticians (including Dr. Helferrich, subsequently German Finance Minister) have agreed in estimating the wealth of Great Britain and Ireland alone at anything from 75,000 to 110,000 million dollars, and that of France at 50,000 to 70,000 million dollars, or at least 250 times the amount of the principal of the Anglo-French 5% Loan. The minimum estimate of the wealth of Britain alone is equal to 75 times the total amount lent by the American investor to the British Government. Moreover, practical financiers knew that a loan obtained abroad is in reality a preferential charge on the Government which has obtained the loan. For the circumstances (inconceivable in the case of Great Britain or France) which would make default possible would make the Government all the more eager to obtain loans abroad. And if there had once been default abroad, further foreign borrowing would be a hard task. Thus it seems fair to say that the Anglo-French Fives, or, indeed, any "unsecured" loans issued by the Allies in America, are, in fact, free from the possibility of legal juggling detrimental to due repayment of principal, and are secured over and over again by the solid wealth and by the proved taxable capacity of the borrowing nations.

THE WAR ON GERMAN SUBMARINES.

Sir Edward Carson on the British Navy's Success.

WHAT has the British Navy done in eighteen days to meet the intensified policy of German "frightfulness," both against the Allies and against neutrals, as practised by her submarines? Sir Edward Carson, First Lord of the Admiralty, introducing the Navy Estimates in the House of Commons on February 21, devoted the greater part of his speech to answering this question.

"My duty," he declared, "is to tell the House and the country the whole extent of the menace." He did not disguise its character :

"It is grave. It is serious. It has not yet been solved. I can honestly say that we have never for a moment ceased to work at it in the Admiralty. But no single magic remedy exists, or probably will exist. Nevertheless, I am confident that in the development of measures which have been and are being devised its seriousness will by degrees be greatly mitigated."

AN ANTI-SUBMARINE DEPARTMENT.

He told the House what had been done by way of organisation. "We have established at the Admiralty an Anti-Submarine Department, composed of the best and most experienced men we could draw for that purpose from men serving at sea. Their whole time is devoted to working out the problem. I have had their reports brought before the Board, and the Board take full responsibility for the approval of their methods and suggestions. Shortly after Sir John Jellicoe came to the Admiralty he issued an invitation to every member of the Fleet to send in any suggestion that occurred to him for dealing with this difficulty. We have, in addition to the Anti-Submarine Department, the Board of Inventions and Research. It is presided over by Admiral Lord Fisher, and associated with him are the greatest scientists the country possesses. He is there to tell them the wants of the Admiralty, and they are there to work out the methods by which those wants can be met—men like Sir J. Thomson, Sir Charles Parsons, Sir G. Belby, and many associated with them of equal distinction. These are some of the greatest men we have. They give us of their best freely, and, as far as I am concerned, I cannot for a moment imagine that a great and distinguished public servant, who has done so much in the past as Lord Fisher has done, is not also giving to the Admiralty ungrudgingly the whole of his abilities and the whole of his services in trying to solve a problem of this kind, which threatens the very existence of this country.

ARMING OF MERCHANT SHIPS.

"One matter has greatly helped us," went on Sir Edward. He referred to the law affecting the arming of merchant ships.

The proposition had never been denied by either the belligerents, our enemies, or by the great neutral countries, as to the right of every merchant ship to arm itself for defensive, as contrasted with offensive, purposes. He had been greatly interested in observing the effect of the arming of merchant ships.

In the last two months the number of armed merchant ships had increased by 47·5 per cent. He did not know that that conveyed the amount of work involved. "We had, in the first place, to get guns in competition with the Army. We had to get the mountings, and, above all, we had to get the gun ratings. All I can say is that that increase in the arming of the merchant ships is going on better and better each week.

"When I tell the House the percentages, so far as I can gather, of the number of armed merchantmen and unarmed merchantmen that escaped the submarine menace, they will see how right we were to throw our whole force and power into carrying out this arming. As far as I can gather, of armed merchantmen that escape there are about seventy per cent. or seventy-five per cent., and of unarmed merchantmen twenty-four per cent. Therefore you will see how important is every gun you get and every ship you arm."

The First Lord proceeded: "We have made great preparations, and I would like, in passing, to say that the French have helped us considerably in this matter. There was some question at one time that some of the neutrals raised—as to whether our ships had a right to enter their ports armed. I must state that that has all been practically got over, and I do not believe that any international lawyer—and although the Germans have abandoned international law, the neutrals have not—will controvert the proposition which I stated in this House as to the right of a merchantman to arm itself against offence. I am stating that about the arming of merchant ships, and the effect it produces, not to minimise the difficulties or minimise the extent of the danger in which we are placed."

As to the progress of British losses, Sir Edward pointed out that their real significance could only be realised by comparing them with the volume of our shipping. He then compared, first, the total of British, Allied, and neutral shipping, taking the first eighteen days of each of the months of December, January, and February, with a view to showing the extent to which the so-called blockade by Germany has increased those losses. The figures given were those of merchant vessels over 100 tons net lost through submarines and mines, excluding fishing vessels. Fishing vessels were excluded because they are not brought in in a comparison with the amount of our trade entered and cleared every day in the various ports of the realm. After giving details of losses, he gave the totals.

"The totals of the items I have given for December were 118 vessels, amounting to 223,322 tons; for January, ninety-one vessels, amounting to 198,233 tons; for the first eighteen days of February, 134 vessels, amounting to 304,596 tons." These figures included the whole of December and January and the

first eighteen days of February. What were those losses out of, and what was the volume of the trade? Here is the answer:

12,000 SHIPS IN AND OUT IN EIGHTEEN DAYS.

“From the 1st to the 18th February—I am talking now of the daily number of vessels over 100 tons net, arriving and sailing into United Kingdom ports, exclusive of fishing craft or sailing vessels, and exclusive of estuarial traffic—for the first eighteen days of February we had arrivals in port of 607 ships, and we had clearances for the same eighteen days of 5,873 ships.

“That together shows an enormous amount of shipping which still goes on notwithstanding the German blockade. You may take it from me, and it may be another figure interesting to the House for future consideration, and whatever may arise in reference to this question, that the estimated number of ships in the danger zone at any one time—I mean the danger zone at home—is about 3,000.”

The losses, Sir Edward admitted, were bad enough and they were dangerous enough, but they were not equal to “the blatant and extravagant bravado of the German accounts.” He quoted an intercepted message to New York, taken from the *Deutsche Tageszeitung*, giving a great account of the actions of their submarines: “They are taking into account that at first the increase in sinkings will not be so very great as they would wish, for submarine scare has been thrown into the English with paralysing effect, and the whole sea was as if swept clean at one blow.” Sir Edward commented on this: “Twelve thousand ships in and out in eighteen days does not look anything like a paralysing effect or a sweeping of the seas. Then they go on and say this: ‘It caused us nearly joy that English government has seen itself necessitated to forbid publication of ships’ losses.’ There is not a particle of truth in that statement and, so far as I am concerned, I would never be a party to holding back from my fellow-countrymen the losses which I believe, so far from making them shrink from the conflict, will put into them the spirit and determination that will eventually drive back these German vessels.”

Some people might criticise his action in giving all these details. Perhaps people would say, “Are you not letting the Germans know how far they have been successful?” Not at all. “I am letting the neutrals know the truth, and in my opinion the greatest asset that this country possesses is the unconquerable courage of our race.

“In face of all these sinkings, with their accompanying sacrifices and trials—and God knows it is wearying work to read of the boats with frozen corpses that are brought in which have been submarined without notice by a nation that said they would not shrink from sinking our hospital ships and drowning our wounded—that is all bad enough, but I am encouraged by the fact that I have not yet heard of one sailor who has refused to sail. That is what is going to win the

War, and however neutrals may have been nervous and frightened, you will see our example spread, and you will see as days go on that the neutrals will resume their sailings."

SHIPS THAT ESCAPE.

He proposed to make a change in the method of publishing our losses. "Nothing can be worse than inaccurate recording of these losses. I take up a paper and I see 'Twenty-four ships sunk,' or something of that kind, in a big headline. When you come to examine that with the real knowledge of the facts you know that these are accumulations coming in for many days. When you read down the list probably you recognise by the names of them some are fishing boats or trawlers; not that I am minimising the loss of fishing boats or trawlers, but when you read it you get no comparison with the actual volume of the trade that is being done. I propose, therefore, to publish—I am not sure that I shall be able to do it every day, but as nearly as possible every day—the number, not merely of British merchant vessels sunk by mines and submarines, but also the arrivals of British vessels of over 100 tons net in United Kingdom ports, exclusive of fishing and local craft. I also propose to publish the number of British merchant vessels which are attacked and escape. I shall also publish the number of fishing vessels which are sunk."

He did not propose to publish the number of neutral and Allied vessels sunk. In the first place, "we have not always the accurate information, and, in the second place, the neutral and Allied Powers prefer to publish their own losses themselves. If they should be copied into our papers I do not mind, but I shall deal with our ships in the manner I have mentioned."

THE LOSSES THE ENEMY INCURS.

Sir Edward next dealt with the question of German losses. He said: "I am often asked, and my predecessors have often been asked, Why is it the Admiralty have not from time to time published the number of German submarines destroyed? It has been pointed out to me by many Members, and with considerable force, that the daily toll of British merchant shipping is published to the world, but nothing is said about the losses the enemy incurs in the submarine campaign, the effect being that all the honour appears to rest with the enemy, and that apparently nothing is being done on our part to cope with this menace." There was another side to the question:

"I have no doubt myself that the policy of silence pursued by successive Boards of the Admiralty about the losses of enemy submarines is the policy that the enemy dislikes most. Just see what it is. A submarine starts out on its campaign of murder and all the enemy know is that it does not return home. What has happened is a complete mystery to them. They cannot tell whether the submarine was lost from a defect of construction or design, which is a very important matter, or some error of navigation, or whether her loss was due to one or other of the methods that the British Admiralty has devised for her destruction."

The second point was that if the Admiralty were immediately to announce the certain destruction of an enemy submarine the enemy "would know without waiting that a relief for that particular boat was required and they would at once despatch another submarine, if available, to operate against our ships. I would rather leave them to imagine that they are there when they are not. As it is the enemy cannot know for some time the exact number of their submarines that have been operating at any particular moment."

BRITISH ENGAGEMENTS WITH U BOATS.

A further and the strongest argument was that the Admiralty did not know whether an enemy submarine had or had not for certain and in fact been destroyed. "All we know is that from day to day and from week to week reports come to us of engagements with enemy submarines, and it follows of necessity that the results range from the certain, through the probable, down to the possible and improbable. In the case of the submarine it is only absolutely certain when you have taken prisoners. After all, the submarine is operating mainly under the water. A submarine dives, and very often someone thinks that it has sunk. A submarine sometimes dives when it is wounded—no doubt never to come up again, but you cannot tell. I should be sorry to mislead the country by giving them only what you could call, under the circumstances I have mentioned, 'certainties.' I know it would be misleading. On the other hand, if I gave them probabilities it might be equally misleading. The degrees of evidence in relation to the sinking of every submarine, or the report of the sinking of every submarine, vary to the most enormous extent."

Sir Edward declared that he held in his hand brief accounts of some forty encounters which the British Fleet had with the submarine since February 1. "Recollect what they are doing, and how they are working. The fact that we have got into grips with them forty times in eighteen days is an enormous achievement." He gave a few illustrations to show the difficulty of establishing in the large majority of cases definite conclusions, taking his illustrations in the order of probability.

AN ABSOLUTE CASE.

The first illustration presented no difficulty whatsoever:

"A few days ago one of our destroyers attacked an enemy submarine. They hit the submarine, and, as events showed, killed the captain. The submarine dived. If she had remained below it would have been an uncertainty, but as a matter of fact she was injured only so much as that she was compelled, but able, to come to the surface. She was captured, and her officers and men were all taken prisoners. That is an absolute case. But look how different it might have been if the submarine had been so injured that she was unable to come to the surface and had remained at the bottom of the sea."

His second illustration was that of a report received from a transport that she had struck an enemy submarine and was

herself damaged, and that she was confident that the submarine had been sunk. A further report was received later that an obstruction which was thought to be the sunk submarine had been located. "This is a claim of which we may say there attaches to it a degree of probability amounting to almost certainty. The injuries to the damaged ship were found to correspond to such injuries as would be caused by ramming."

His third illustration was that of a report received that two patrol vessels had engaged two enemy submarines and sunk them both, but there were no casualties in the patrol boats and no survivors from the submarines. "A fuller report received of this engagement appears to show that one of the submarines was sunk, but it leaves a degree of doubt about the second."

His fourth illustration was that of one of the British destroyers reporting that she had heavily rammed an enemy submarine which was awash. There was no doubt that the destroyer struck the submarine a severe blow, but it was not possible to establish that the submarine was sunk. This, he thought, might be described as "a case of strong probability."

"POSSIBLE TO IMPROBABLE."

The fifth report was that of an enemy submarine being engaged by two patrol vessels, who were subsequently assisted by two destroyers. "The result of the engagement is reported as doubtful, although it is certain that one of the destroyers was slightly damaged in running over the conning-tower of the submarine. In another case one of our patrol vessels reported striking a submerged object after engaging an enemy submarine, and an examination of the patrol vessel bore out this report. It is believed that the submerged object struck was the submarine engaged, but it is not quite clear, and in this case there is a considerable degree of doubt."

He gave three more illustrations in which the claim was made, ranging from possible to improbable. A patrol vessel reported that she had been in action with an enemy submarine, that the fifth shot hit the submarine's conning-tower, and it was believed that she was sunk. The second case was that of a smaller airship sighting a submarine on the surface and dropping a bomb just after the submarine had dived. Lastly, there was a case in which an aeroplane dropped a bomb on the enemy submarine when in the act of diving. The submarine was not seen again, but the result was quite unknown.

"IT WILL BE SOLVED."

That was the situation. "I have neither tried to underestimate it nor to exaggerate it." He believed that the menace could be and would be beaten. It could only be solved by the nation itself acting in the ways he had indicated in conjunction with the Navy, "but," concluded the First Lord, "that it can be and will be solved is certain."

9

The New York Stock Exchange

AND

Public Opinion

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OTTO H. KAHN

The New York Stock Exchange

AND

Public Opinion

By OTTO H. KAHN

REMARKS AT ANNUAL DINNER
ASSOCIATION OF STOCK EXCHANGE BROKERS
HELD AT THE ASTOR HOTEL, NEW YORK
JANUARY 24, 1917

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The New York Stock Exchange

A COUPLE of weeks ago I went to Washington to contradict under the solemn obligation of my oath a gross and wanton calumny which, based upon nothing but anonymous and irresponsible gossip, had been uttered regarding my name.

On my way between New York and Washington, thinking that, once on the stand, I might possibly be asked a number of questions more or less within the general scope of the Committee's enquiry, I indulged in a little mental exercise by putting myself through an imaginary examination.

With your permission, I will read a few of these phantom questions and answers:

Should the Exchange Be "Regulated"?

Question:

There is a fairly widespread impression that the functions of the Stock Exchange should be circumscribed and controlled by some governmental authority; that it needs reforming from without. What have you to say on that subject?

Answer:

I need not point out to your Committee the necessity of differentiating between the Stock Exchange as such and those who use the Stock Exchange.

Most of the complaints against the Stock Exchange arise from the action of those outside of its organization and over whose conduct it has no control. No doubt there have at times been shortcomings and laxity of methods in the administration of the Stock Exchange just as there have been in every other institution administered by human hands and brains.

Some things were, if not approved, at least tolerated in the past which are not in accord with the ethical conception of to-day.

*Should the
Exchange
be regulated?*

The same thing can be said of almost every other institution, even of Congress. Until a few years ago, the acceptance of campaign contributions from corporations, the acceptance of railroad passes by Congressmen and Senators were regular practices which did not shock the conscience either of the recipients or of the public. Now they have rightly been made and are looked upon as crimes.

Ethical conceptions change; the limits of what is morally permissible are drawn tighter. That is the normal process by which civilization moves forward.

The Stock Exchange has never sought to resist the coming of that higher standard. On the contrary, in its own sphere it has ever endeavored to maintain an exemplary standard, and it has ever shown itself ready and willing to introduce better methods whenever experience showed them to be wise or suggestion showed them to be called for.

In its regulations for the admission of securities to quotation, in the publicity of its dealings, in the solvency of its members, in its

rules regulating their conduct and the enforcement of such rules, the New York Stock Exchange is at least on a par with any other Stock Exchange in the world, and, in fact, more advanced than almost any other.

Should the Exchange be regulated?

The outside market on the curb could not exist if it were not for the stringency of the requirements in the interest of the public which the Stock Exchange imposes in respect of the admission of securities to trading within its walls and jurisdiction.

There is no other Stock Exchange in existence in which the public has that control over the execution of orders, which is given to it by the practice—unique to the New York Stock Exchange—of having every single transaction immediately recorded when made and publicly announced on the ticker and on the daily transaction sheet.

I am familiar with the Stock Exchanges of London, Berlin and Paris, and I have no hesitation in saying that, on the whole, the New York Stock Exchange is the most efficient and best conducted organization of its kind in the world.

The recommendations made by the Commission appointed by Governor Hughes at the time were immediately adopted in toto by the

Stock Exchange. Certain abuses which were shown to have crept into its system several years ago were at once rectified. From time to time other failings will become apparent—there may be some in existence at this very moment which have escaped its attention—as failings become apparent in every institution, and will have to be met and corrected.

*Should the
Exchange
be regulated?*

I am satisfied that in cases where public opinion or the proper authorities call attention to shortcomings which may be found to exist in the Stock Exchange practice, or where such may be discovered by the governing body or the membership of the Exchange, prompt correction can be safely relied upon.

Sometimes and in some respects, it is true, outside observers may have a clearer vision than those who are qualified by many years of experience, practice and routine.

If there be any measures which can be shown clearly to be conducive towards the better fulfilment of those purposes which the Stock Exchange is created and intended to serve, I am certain that the membership would not permit themselves to be led or influenced by hidebound Bourbonism, but would welcome such measures, from whatever quarter they may originate.

Is the Exchange Merely a Private Institution?

Question:

Do I understand you to mean, then, that the Stock Exchange is simply a private institution and as such removed from the control of governmental authorities and of no concern to them?

Answer:

I beg your pardon, but that is not the meaning I intended to convey. While the Stock Exchange is in theory a private institution, it fulfills in fact a public function of great national importance.

That function is to afford a free and fair, broad and genuine market for securities and particularly for the tokens of the industrial wealth and enterprise of the country, i. e., stocks and bonds of corporations.

Without such a market, without such a trading and distributing centre, wide and active and enterprising, corporate activity could not exist.

If the Stock Exchange were ever to grow unmindful of the public character of its functions and of its national duty, if through inefficiency or for any other reason it should ever become inadequate or untrustworthy to render to the country the services with constitute its raison d'être, it would not only be the right, but the duty of the authorities, State or Federal, to step in.

*Is the
Exchange
merely a
private
institution?*

But thus far, I fail to know of any valid reasons to make such action called for.

Short Selling—Is it Justifiable?

Question:

You have commenced your first answer with the words, "I need not point out to your Commission." That is a complimentary assumption, but I don't mind telling you that we here are very little acquainted with the working of the Stock Exchange or the affairs of you Wall Street men in general. What about short selling?

Answer:

I do not mean to take a "holier than thou" attitude, but personally, I have never sold a share of stock short in my life.

Short sellers are born, not made. But if there were not people born who sell short, they would almost have to be invented.

Short selling has a legitimate place in the scheme of things economic. It acts as a check on undue optimism, it tends to counteract the danger of an upward runaway market, it supplies a sustaining force in a heavily declining market

at times of unexpected shock or panic. It is a valuable element in preventing extremes of advance and decline.

The short seller contracts to deliver at a certain price a certain quantity of stocks which he does not own at the time, but which he expects the course of the market to permit him to buy at a profit.

In its essence that is not very different from what every contractor and merchant does when in the usual course of business he undertakes to complete a job or to deliver goods without having first secured all of the materials entering into the work or the merchandise.

The practice of short selling has been sanctioned by economists from the first Napoleon's Minister of Finance to Horace White in our day. While laws have at various times been enacted to prohibit that operation, it is a noteworthy fact that in every instance I know of these laws have been repealed after a short experience of their effects.

I am informed on good authority—though I cannot personally vouch for the correctness of the information—that there is no short selling on one nowadays fairly important Stock Exchange,—that of Tokyo, Japan. You will have seen in

*Short
selling
Is it
justifiable?*

*Short
selling
Is it
justifiable?* the papers that when President Wilson's peace message (or was it the German Chancellor's peace speech?) became known in Tokyo, the Stock Exchange there was thrown into a panic of such violence that it had to close its doors. It attempted to reopen a couple of days later, but after a short while of trading was again compelled to suspend.

Assuming my information to be correct, you have here an illuminating instance of cause and effect.

Short selling does become a wrong when and to the extent that the methods and intent of the short seller are wrong.

The short seller who goes about like a raging lion [or bear] seeking whom he may devour; he who deliberately smashes values by dint of manipulation or artificially intensified selling amounting in effect to manipulation, or by spreading alarm through untrue reports or even through merely unverified rumors, does wrong and ought to be punished.

Perhaps the Stock Exchange authorities are not always alert enough and thorough enough in running down and punishing deliberate wreckers of values and spreaders of evil omen; perhaps there is altogether not enough energy and deter-

mination in dealing with the grave and dangerous evil of rumor mongering on the Stock Exchange and in brokers' offices. But after all even Congress, with the machinery of almost unlimited power at its hand, does not always seem to find it quite easy to hunt the wicked rumor-mongers to their lairs and subject them to adequate punishment.

*Short
selling*

*Is it
justifiable?*

Yet the unwarranted assailing of a man's good name is a more grievous and heinous offence than the assailing, by dint even of false reports, of the market prices of his possessions.

I need hardly add that the practices to which I have above referred are equally wrong and punishable when they aim at and are applied to the artificial boosting of prices as when the object is the artificial depression of prices.

Does the Public Get “Fleeced”?

Question:

We hear or read from time to time about the public being fleeced. There is a good deal of smoke. Isn't there some fire?

Answer:

If people do get “fleeced,” the fault lies mainly with outside promoters or unscrupulous financiers, over whom the Stock Exchange has no effective control. Some people imagine themselves “fleeced,” when the real trouble was their own get-rich-quick greed in buying highly speculative or unsound securities, or having gone into the market beyond their depth, or having exercised poor judgment as to the time of buying and selling. Against these causes I know of no effective remedy, just as there is no way to prevent a man from overeating or eating what is bad for him.

In saying this, I do not mean to imply that stockbrokers have not a duty in the premises.

On the contrary, they have a very distinct and comprehensive duty towards their clients, especially those less familiar with stock market and financial affairs, and towards the public at large. And they have furthermore the duty to abstain from tempting or unduly encouraging people to speculate on margin, especially people of limited means, and from accepting or continuing accounts which are not amply protected by margin. In respect of the latter requirement, the Stock Exchange has rightly increased the stringency of its rules some years ago, and it cannot too sternly set its face against an infringement of those rules or too vigilantly guard against their evasion.

*Does the
public get
fleeced?*

Against unscrupulous promotion and financing a remedy might be found in a law which should forbid any public dealing in any industrial security [for railroad and public service securities the existing Commissions afford ample protection to the public] unless its introduction is accompanied by a prospectus setting forth every material detail about the company concerned and the security offered, such prospectus to be signed by persons who are to be held responsible at law for any wilful omission or misstatement therein.

*Does the
public get
fleeced?*

Such a law would be analogous in its purpose and function to the Pure Food Law, Any, let us call it, "anti-fleecing" law which went beyond that purpose and function would overshoot the mark. The Pure Food Law does not pretend to prescribe how much a man should eat, when he should eat or what is good or bad for him to eat, but it does prescribe that the ingredients of what is sold to him as food must be honestly and publicly stated. The same principle should prevail in respect of the offering and sale of securities.

If a drug contains water, the quantity or proportion must be shown on the label, so that a man cannot sell you a bottle filled with water when you think you are buying a tonic. In the same way the proportion of water in a stock issue should be plainly and publicly shown.

The purchaser should not be permitted to be under the impression that he is buying a share in tangible assets when, as a matter of fact, he is buying expectations, earning capacity or goodwill. These may be, and often are, very valuable elements, but the purchaser ought to be enabled to judge as to that with the facts plainly and clearly before him.

The main evil of watered stock lies not in the

presence of water, but in the concealment or coloring of that liquid. Notwithstanding the unenviable reputation which the popular view attaches to watered stock, there are distinctly two sides to that question, always provided that the strictest and fullest publicity is given to all pertinent facts concerning the creation and nature of the stock.

Does the public get fleeced?

Do "Big Men" Put the Market Up or Down?

Question:

Is it not a fact that some of the "big men" get together from time to time and determine to put the market up or down so as to catch profits going and coming?

Answer:

As to "big men" meeting to determine the course of the stock market, that is one of those legends and superstitions inherited from olden days many years ago when conditions were totally different from what they are now, and when the scale of things and morals, too, were different, which it is hard to kill.

The fluctuations of the stock market represent the views, the judgment and the conditions of thousands of people all over the country, and indeed, in normal times, all over the world.

The current which sends market prices up or down is far stronger than any man or combination of men. It would sweep any man or men

aside like driftwood if they stood in its way or attempted to deflect it.

True, men at times discern the approach of that current from afar off and back their judgment singly, or sometimes even a few of them together, as to its time and effect. They may hasten a little the advent of that current, they may a little intensify its effect, but they have not the power to either unloosen it or stop it.

Do "big men" put the market up or down?

If by the term "big men" you mean Bankers, let me add that a genuine Banker has very little time and, generally speaking, equally little inclination to speculate, and that his very training and occupation unfit him to be a successful speculator.

The Banker's training is to judge intrinsic values, his outlook must be broad and comprehensive, his plans must take account of the longer future. The Speculator's business is to discern and take advantage of immediate situations, his outlook is for tomorrow, or anyhow for the early future; he must indeed be able at times to disregard intrinsic values.

The temperamental and mental qualifications of the Banker and Speculator are fundamentally conflicting and it hardly ever happens that these qualifications are successfully combined in one

and the same person. The Banker as a stock market factor is vastly and strangely over-estimated, even by the Stock Exchange fraternity itself.

Do "big men"
put the
market up
or down?

May I add, in parenthesis, that a sharp line of demarcation exists between the speculator and the gambler? The former has a useful and probably a necessary function, the latter is a parasite and a nuisance. He is only tolerated because it seems impossible to abolish him without at the same time doing damage to elements the preservation of which is of greater importance than the obliteration of the gambler.

To the Members of the Exchange

NOW by this time the Committee would surely feel that it has had a surfeit of my wisdom, as I am sure you must feel, but if you will be indulgent a very little while longer, I should like to say a few words more to you whose guest I have the honor to be this evening.

My recent observation of and contact with Congressmen and others in Washington have once more fortified my belief that the men by and large whom the country sends to Washington to represent it, desire and are endeavoring, honestly and painstakingly, to do their duty according to their light and conscience, and that, making reasonable allowance for the element of party considerations, they represent very fairly the views and sentiments of the average American.

Most of them are men of moderate circumstances. Very few of them have had occasion to

The pioneer period of economic development is ended familiarize themselves with the laws, the history and the functionings of finance and trade; to come into relation to the big business affairs of the country, or to compare views with its active business men.

It may be assumed that, very naturally, not a few of them have failed to come to a full recognition of the facts that the mighty pioneer period of America's economic development came definitely to an end a dozen years ago, that with it came to an end practices and methods and ethical conceptions, which in the midst of the magnificent achievements of that turbulent period were, if not permitted, yet to an extent silently tolerated, and that business has willingly fallen into line and kept in line with the reforms which were called for in business as in other walks of our national life.

The opinions of the world, and particularly of the political world, travel along well worn roads. Men are reluctant to go to the effort of reconsidering opinions once definitely formed and fixed.

Many in and out of Congress are still under the controlling impress of the stormy years when certain deplorable occurrences affecting corporations and business men were brought to light,

when it was demonstrated that certain abuses which had accumulated during well nigh two generations needed to be done away with for good and all, and when the people went through the ancient edifice of business with the vacuum cleaner of reform and regulation, using it very thoroughly, perhaps, in spots, a little too thoroughly.

The vacuum cleaner of reform and regulation

Not a few politicians are still sounding the old battle cry, although the battle of the people for the regulation and supervision of corporations was fought to a finish years ago *and won by the people*, and although the people themselves of late, on the few occasions when a direct proposition has been put up to them, such as recently in Missouri, have indicated that they consider the punitive and probationary period at an end and want business to be given a fair chance and a square deal.

When the right of suffrage was thrown open to the masses of the people in England, a great Englishman said, "Now we must educate our masters."

In this country it is not so much a question of educating our masters, the people and the people's representatives [who, moreover, would resent and refuse to tolerate for a moment any

such patronizing assumption], as of getting them to know us and getting ourselves to know them.

The need for closer contact and better understanding All parties concerned will benefit from coming into closer contact with each other and becoming acquainted with each other's viewpoints.

Can we honestly say that we are doing our full share to bring about such contact and to get ourselves and what we believe in properly understood, believe in not only because it happens to be our job in life and our self-interest, but because in the general scheme of things it serves a legitimate and useful and necessary function for our country?

How many of us have taken the trouble to seek the personal acquaintance of the Congressmen or Assemblymen or State Senators representing our respective districts?

How many of us make an effort to come into personal relationship with people, both here and in the West, outside of our accustomed circles? Yet an ounce of personal relationship and personal talk is worth many pounds of speech making and publicity propaganda.

When you look a man in the face and talk to him and question him and realize in the end that he is sincere in his viewpoint, whether you share it or not, and that he is made of the same

human stuff as you, and has neither horns nor claws nor hoofs, much animosity, many preconceived notions are apt to vanish and you are not so cocksure any longer that the other fellow is a destructive devil of radicalism or a bloated devil of capitalism, as the case may be.

*"To be one
of fifteen
men around
a table"*

I recall in this connection an incident which concerns my great friend, the late E. H. Harriman. He talked to me about his wish to be elected to a certain railroad board. I said, "I don't really see what use that would be to you. You would be one of fifteen men, of whom presumably fourteen would be against you." He answered: "I know that, but all the opportunity I ever want is to be one of fifteen men around a table."

And the result has shown that that was all the opportunity he needed.

We cannot all have the conquering genius and force of a Harriman, but every one of us, in a greater or lesser degree, every one in some degree has the power of co-operating in the vastly important task of personal propaganda for a better understanding, a juster appreciation of each other, between East and West and South, between what is termed Wall Street and

the men who make our laws, between business and the people.

*This is the
age of
publicity*

This is the age of publicity, whether we like it or not. Democracy is inquisitive and won't take things for granted. It will not be satisfied with dignified silence, still less with resentful silence.

Business and business men must come out of their old time seclusion, they must vindicate their usefulness, they must prove their title, they must claim and defend their rights and stand up for their convictions. Nor will business or the dignity of business men be harmed in the process.

No healthy organism is hurt by exposure to the open air. No dignity is worth having or merited or capable of being long preserved which cannot hold its own in the market place.

Democracy wants "to be shown." It is no longer sufficient for the successful man to claim that he has won his place by hard work, energy, foresight and integrity.

Democracy insists rightly that a part of every man's ability belongs to the community. Democracy watches more and more carefully from year to year what use is being made of the rewards which are bestowed upon material

success, and particularly whether the power which goes with success is used wisely and well, with due sense of responsibility and self-restraint, with due regard for the interests of the community.

*The use of
the power
that goes
with success*

And if the consensus of enlightened public opinion should come to conclude that on the whole it is not so used, the people will find means to limit those rewards and to curtail that power.

And what is true of the public attitude towards individuals holds good equally of its attitude towards organizations such as the Stock Exchange.

There can be little doubt that a great deal of misconception prevails as to its methods, spirit and practices, as to its functions, purposes and its place in the country's economic structure.

It is of great and urgent importance that the Stock Exchange should leave nothing undone to get itself better and more correctly understood. It should not only not avoid the fullest publicity and scrutiny, but it should welcome and seek them.

It has nothing to hide and it should be glad to show that it has nothing to hide. It should miss no opportunity to explain patiently and

in good temper what it is and stands for, to correct misunderstandings and erroneous conception.

*The Stock
Exchange
a National
Institution*

If it is attacked from any quarter deserving of attention, it should go to the trouble of defending itself. If it is made the object of calumny, it should contradict and confound the slanderer.

Its members should ever remember that while in theory the Stock Exchange is merely a market for the buying and selling of securities, actually and collectively they constitute a national institution of great importance and great power for good or ill.

They are officers of the court of commerce in the same sense in which lawyers are officers of the court of law. They should not be satisfied with things as they find them, they should not take the way of least resistance, they should ever seek to broaden their own outlook and extend the field and scope of the Stock Exchange's activities.

One of the reasons for London's financial world position is that its Stock Exchange affords a market for all kinds of securities of all kinds of countries. The English Stock Broker's outlook and general or detailed information range over

the entire inhabited globe. It is largely through him that the investing or speculative public is kept advised as to opportunities for placing funds in foreign countries. He is an active and valuable force in gathering and spreading information and in enlisting British capital on its world-wide mission.

*American
opportunity
for foreign
trade*

The viewpoint of the average American investor is as yet rather a narrow one. Investment in foreign countries is not much to his liking. The regions too far removed from Broadway do not greatly appeal to him as fields for financial fructification.

Yet, if America is to avail herself fully of the opportunities for her trade which the world offers, she must be prepared to open her markets to foreign securities, both bonds and stocks.

If America aspires to an economic world position similar to England's, she must have amongst other things financial [such as, first of all, a discount market] a market for foreign securities.

In educating first themselves and then the public to an appreciation of the importance and attractiveness of such a market, with due regard to safety, and to the prior claim of American enterprise in its own country, the members of

*We are at
a turning
point in
American
History* the Stock Exchange have an immense field for their imagination, their desire for knowledge and their energy.

We all of us must try to adjust our viewpoint to the situation which the war has created for America, and to the consequences which will spring from that situation after the war will have ceased.

As Mr. Vanderlip so well said in a recent speech: "Never did a nation have flung at it so many gifts of opportunity, such inspiration for achievement. We are like the heir of an enormously wealthy father. None too well trained, none too experienced, with the pleasure-loving qualities of youth, we have suddenly, by a world tragedy, been made heir to the greatest estate of opportunity that imagination ever pictured."

America is in a period which for good or ill is a turning point in her history. Her duty and her responsibility are equally as great as her opportunity. Shall we rise to its full potentiality, both in a material and in a moral sense?

The words of an English poet come to my mind:

*"We've sailed wherever ships can sail,
We've founded many a mighty state,
God grant our greatness may not stale
Through craven fear of being great."*

It is not "craven fear" that will prevent us from attaining the summit of the greatness which it is open to America to reach, for fear has never kept back Americans—any more than Englishmen—and never will.

Indifference, slackness and sloth, lack of breadth and depth in thought and planning; the softening of our fibre through easy prosperity and luxury; unwise or hampering laws, inadequacy of vision and of purposeful, determined effort, individual and national, are what we have to guard against.

God grant America may not fail to grasp and hold that greatness which lies at her hand!

3

BELGIUM AND GREECE

BY
J. W. HEADLAM

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BELGIUM AND GREECE

It is not unnatural that during the last few months articles have from time to time appeared in the papers of neutral countries drawing attention to the treatment of Greece by the Allies and suggesting that this shows how little regard need really be attached to their professions that they are actuated by the respect for the rights of small States, and that they are defending law and justice against force and violence. It is suggested that when these professions are put to the proof, Great Britain and her Allies act precisely as Germany has done; we talk of the rights which belong to the weak when Belgium and Serbia are overrun by the German armies, but when a small and weak State refuses to do our bidding, it becomes apparent that we are willing to commit exactly the same crimes that we have denounced in others.

The argument is one that would appeal to simple and ingenuous minds. Belgium was a neutral State and so was Greece. Belgium was a small State and so was Greece. The neutrality of Belgium was violated by the German Army, who claimed to use the territory as a road to France. The neutrality

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of Greece was violated by the armies of the Allies, who claimed to use the territory in order to transfer their armies to the seat of warfare between Serbia and Bulgaria. What more could be required? Is it not evident that the Allies are guilty of that very crime which they charge against the Germans?

The argument may seem conclusive, and it would be conclusive were it not that it omits the cardinal elements on both sides. A promise, a treaty, a word of honour solemnly pledged. And, in truth, those who maintain that the conditions are similar, in the very fact that they do this, assent to the proposition that in international relations promises are empty words, treaties are scraps of paper, pledged honour is as a breath of air which flows hither and thither, purposeless, on the face of the earth. Belgium was neutral and Greece was neutral, but the neutrality of the two States was as different as black and white. For the neutrality of Belgium was the fulfilment of a solemn engagement, the neutrality of Greece was the violation of an engagement equally binding; if the one was a virtue, the other was a crime.

There has been much talk of the neutrality of Belgium. Men have written long books about it. The whole question has been encumbered by learned disquisitions on international law and The Hague Conference. The pages of the most voluminous and the most worthless of professors have been ransacked to find arguments on one side or the other. All this is beside the point. To judge the question we require nothing but a firm grasp of those simple and universal rules of conduct which bind together old and young, learned and simple,

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civilised and barbarian. Had Grotius and Puffendorf and Bluntschli never lived, the issue would not be changed, and it would be much clearer. A definite and formal promise had been made by the five great Powers in Europe that Belgium should be permanently neutral. This meant, first, that they were debarred from going to war against Belgium, and, secondly, that in case of war against other States, they were debarred from using an alliance with Belgium, or using the resources of the country, or the territory of the country, in support of their armies. On this there has in fact never been the slightest shadow of doubt.

The promise might have been wise or foolish; it was open to any State to represent that it was one which under modern conditions could not be maintained, to declare that she wished to be freed from it, and to summon a conference of the guaranteeing Powers in order to arrange for an abrogation of the treaty. But if this was to be done, it must be done in time of peace. For it was characteristic of the engagement that it only became effective when the state of war had in fact arisen; then it was too late to disown it. If two men fight a duel they fight on the agreed conventions; it is open to them before the actual struggle begins to ask that these conditions and conventions should be changed; it is not open to them without warning, when face to face with the adversary, to start the duel by a treacherous and false stroke.

So much for Belgium, but what of Greece? Here, first, we note that there was no engagement on the part of any Power to respect the neutrality of

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Greece. According to the general principles of European relations, it was open to any State which had a serious cause of difference with Greece to make on her those demands which she required in her own interests, to embody them in an ultimatum, and, if necessary, to enforce them by war. Conduct of this kind would be judged on the particular case; it might be justifiable, it might be reprehensible; all would depend upon the questions at issue and the cause of difference. When two Powers are at war, to present demands, and, if necessary, go to war with a third Power, is in itself in no way more contrary to ordinary political convention than is the original declaration of war. Much has been talked about the rights of neutrals which is quite beside the point. The state of neutrality is not a positive, but a negative one. It means only that at a particular moment the neutral State is not party to the conflict which is in progress. It may become one at any moment, either by its own action or by the action of either of the belligerents. Any such action should, of course, be well weighed and undertaken for serious and honourable objects. If these objects are right and sufficient, the entanglement of another State in war is not in itself something to be reprovèd, though it may be regretted. And there may be cases where the maintenance of neutrality is in itself a crime, just as the violation of neutrality in other cases may be a crime.

Now, how did this matter stand with Greece? Here, again, everything is really of transparent simplicity. In the year 1912, after the first Balkan war, when a quarrel arose among the allies, a fresh

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war broke out between Bulgaria on the one hand and Greece and Serbia on the other. In this war Greece and Serbia were successful. As a result of their successes they added each to their dominions territories to which Bulgaria had laid claim. It could easily be foreseen that when opportunity arose Bulgaria would inevitably make every effort to recover some at least of the territory that she had lost. To guard against this danger a treaty of alliance was made between Greece and Serbia. The treaty has not been published and we do not know precisely either the date on which it was concluded or its specific terms. So much, however, is known, that each of the contracting States engaged to support the other in arms in defence of its territory in the case that any attack was made upon it by Bulgaria. By this Serbia secured, as she hoped, the firm possession of Monastir and the surrounding districts, and Greece secured Salonika and Kavalla. The treaty was a reciprocal one. Had at any time Bulgaria, as she well might have, threatened Greece with war, Greece would at once have called for the help of her ally, and we cannot doubt that the appeal would have been made and the pledge redeemed. But the circumstances arose that it was not Greece which called on the help of Serbia, but Serbia which called for the help of Greece. Bulgaria mobilised her forces, and it was shown* by every indication that she proposed to throw them on the rear of the Serbian Army just at the moment when Serbia was fully occupied in defending herself against the overwhelming numbers of the Austrian invasion. Never was there a time when one

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State could with so good a cause summon to her assistance a pledged ally.

For, let it be noted, Greece was the only State by means of which the necessary help could be given. The Treaty of London, which in this matter had been confirmed by the Treaty of Bucharest, had denied to Serbia access to the sea. She was thereby shut off from free intercourse with the other States of Europe. She had great and powerful allies—Russia, France, Great Britain—but such was the unfortunate geographical position of the kingdom that scarcely a single soldier, much less an organised expedition, could find his way to the threatened territory, except over the soil of Greece. It was this condition against which the Serbian nation and the Serbian statesmen had struggled, and justly struggled, in the discussions which followed the first Balkan war, for they had seen quite clearly that a Serbia which had no access to the sea would be still a Serbia subject to the caprices or the ambitions of Austria. One safeguard alone there was, and that was the alliance with Greece, for the alliance with Greece opened up the single railway by which there was connection with the sea and a great port.

And this brings us to a matter which is very pertinent to the whole question. It is customary for German writers, in comparing the German action in Belgium and the Allied action in Greece, to assert that the Germans were under the domination of what they called "*Not*," or necessity. They were driven, so they declare, under the paramount requirements of defending their national existence, to acts which

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might, perhaps, be condemned. They suggest that there was no such requirement in the landing at Salonika. It was a contrast which, if they were wiser, they would not have suggested. As to the invasion of Belgium we know, and they themselves now know, that there was no necessity; if it had been merely a question of a defence of the German frontier, that could have been carried through with equal ease on the line from Limbourg to Switzerland. But that which they mean by necessity was not the protection of Germany, but the crushing of France. It was an illustration of the German way of calling the annihilation of an enemy mere self-protection.

What hypocrisy it is! The invasion of Belgium was not a device suddenly adopted in a moment of justifiable panic; it was a plan long conceived, carefully matured, worked out by the German General Staff, and it was because they had this plan that they ventured to defy Europe and appeal to arms in a matter which was easily capable of settlement by agreement.

But how do matters stand with Serbia? Here there was a case which justifies the use of the word "necessity." Serbia was attacked on the north by the superior forces of the Austrian Army, on the east and the south by their Bulgarian allies. Against these superior forces she could not maintain herself. She had as allies three of the greatest Powers of the world, but their alliance was useless to her unless there could be established a free communication for ammunition and troops. But the persistent enmity of Austria had always refused Serbia access to the sea; the small inland State was

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shut off from the outer world by high mountains and wild passes; there was only one road by which aid could reach her, and that was from Salonika through Greek territory. If we look at the matter from the point of view of Serbia, this will at once show us that the Treaty with Greece was not an accidental and unimportant thing; it was in truth the very condition of her existence. Were the road through Greece which had thus been secured to her closed, she could look for nothing but the annihilation which has, in fact, fallen upon her. It is true that the *necessity* was not that of Russia or France or England, it was that of Serbia; we can understand that the Germans would not recognise that a small State opposed to themselves, which had for long been marked out for destruction, should be reckoned in the matter at all, but for the Allies there was a paramount and overwhelming necessity, that of doing all in their power for the salvation of Serbia.

The application, therefore, was made by Serbia in the height of her peril, at the very crisis of her existence as an independent State, to her Greek ally. The application was made, and it was refused. It was, perhaps, the most dastardly refusal of which there is any record in history, a refusal sufficient to justify a demand that the nation which was guilty of it should be struck out of the society of civilised States.

When the refusal was made it would have been open to Serbia to call for the help and countenance of Britain, France, and Russia, to lay before them the case, and to ask that, as allies, they should support her request with the strongest diplomatic

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representations, and that, in the case that the refusal was persisted in, they should declare war upon Greece, reduce the country to subjection, and treat the territory as that of an occupied and conquered adversary. Against this not a word could be said on the ground of convention or of law or of morality.

It would perhaps have been better had they acted thus. What they did was something infinitely milder, and it showed their desire in every way to spare Greece the horrors of warfare. There are cases, and this perhaps is one, in which consideration becomes a blunder and leniency becomes a crime. All that they asked was that, while Greece herself might remain neutral, the armies of the Allies should be allowed to use the port of Salonika and the railway for the conveyance of troops to the assistance of the Serbians, who were now engaged in a hopeless struggle against overwhelming forces attacking them on three sides.

This they asked, and in this Greece tacitly acquiesced. More than this they have never asked. They have not required from Greece that active co-operation to which they were entitled. The situation which arose was indeed an unusual and an awkward one. A portion of Greek soil was used as a base by foreign Powers in a war against States with which Greece herself was at peace. But this situation arose entirely from the first refusal of Greece to fulfil her obligations. And, given the existence of this situation, with what extraordinary consideration have the Allies handled it! For many months they left the full civil administration of Salonika in the hands of the Greek Government; they did not

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even proclaim martial law and take the full control into their own hands until Greece had shown by numerous acts that she was working in secret agreement with Germany, Austria, and Bulgaria. Greek territory was being used (of this there is abundant proof) to provide supplies for the German and Austrian submarines; Salonika was full of spies and there was constant communication with the Central Powers; it was seriously proposed to interfere with the communications of the Allies, if not by open warfare, at least by the encouragement of popular risings. Fort Rupel, one of the strongest fortifications erected in modern times, holding an important strategical position and dominating the Valley of the Struma, was surrendered practically without resistance to the Germans; a Greek army corps was handed over to them with all its provisions and munitions of warfare. Was it to be expected that the Allies would acquiesce in the continuation of such a state of things? What ground is there for complaint that at last—and, as many will be inclined to think, after undue procrastination—pressure was brought on the Greek Government and the Greek people by the method of a blockade?

When the full account of these events is written, it will, I think, appear that never in the history of the world has a State been treated with such consideration, for it must always be remembered that, owing to her geographical position, Greece and her capital were entirely at the mercy of the Allies. It has been said that they tried to force Greece to join in the war. This is untrue. As we have seen, they would have been completely and absolutely justified

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in pursuing such a course. They did not; from beginning to end they have demanded nothing except the use of Macedonia for military purposes and honest neutrality on the part of Greece.

What, in fact, we have in the case of Greece is not the ruthless abuse of force on the part of the Allies. It is quite the reverse—a small State presuming on the consideration which she knew that she would receive just because of her own weakness, and, trading on the long-established interest which France and England had shown her, using her position to violate her treaties and to commit acts of scarcely veiled hostility, on which no great Power would ever have ventured.

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TO THE
ITALIAN
ARMIES

BY

JULES DESTRÉE
AND
RICHARD DUPIERREUX

T. FISHER UNWIN, Ltd.,
1, ADELPHI TERRACE, LONDON.

1917.

PRICE SIXPENCE.



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TO THE ITALIAN ARMIES

CHAPTER I.

A PEOPLE GATHERED ROUND A FLAG.

WE have seen the armies of Italy in the mountains of the Friuli, of the Cadora, of the Dolomites, and the Trentino. The atmosphere on those heights is bracing and invigorating. One breathes there a salubrious air, impregnated with the aroma of pines. The spirit there is free, the will unfettered, decision is stimulated, and hope is borne on wings. The body is healthy, the soul alert. And not only the mountains but the men who live among them renew one's energy.

We have seen them all—bold infantry men, Alpine troops or bersaglieri, rough artillery men, persevering miners, workmen, and soldiers—in the glorious scenery of their exploits. No war can present more difficulties and, at times, be more paradoxical than that which they wage. Their task seems impossible; but these men of the mountains are endowed with such lightness of heart and such great tenacity that they carry it out in the face of all obstacles. No praise can be too great for the troops which storm peaks, conquer glaciers, bayonet in hand, and hoist guns where never human foot has been set before.

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Not only the first line, where men are engaged in hand-to-hand fighting, but also the lines of communication seem a miracle of organisation. In the rear of the soldier who attacks and defends himself, there were miles and miles of bare, arid country—deserts in the mountains—intersected by precarious roads. A powerful network of lines of communication had to be created in the worst atmospheric conditions. One realises what admirable self-denial, what sacrifices, what power of resistance and what *élan* has been shown by the soldiers of Italy—by the soldiers and their leaders. In Italy the officer is not to be seen behind the storming party; he is in the front line, and his breast is the first target offered to the enemy. People who regard war as a purely practical business will call this Latin courage somewhat naïve. But it is lavish courage which constitutes the force of an army; this heroic bravado, the inheritance of a great people. It is too fine a thing to advise them to abandon it. Among such a people the soldier's spirit can never be the artificial creation of a caste. In truth, there is no military caste. The soldier as well as the officer of Italy feels himself to be a citizen in arms. With him militarism is fused in patriotism; and this spirit is very strong. A regiment marching through one of the hamlets immediately behind the front has the same soldierly and orderly air that it would have in crossing through some peaceful Tuscan or Umbrian city. Their severe discipline is cheerfully accepted because, owing little to constraint and nothing to fear, it is

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permeated throughout by a true spirit of friendliness.

Between the men and their officers there is an atmosphere of cordiality akin to fraternity. The officers are constantly concerned as to the means by which they may increase the comfort of their men, and they interest themselves in their family life. Many times have we heard officers asking infantrymen under their command for news of their wives or children. It was sufficient to see the joy with which these soldiers replied, to realise that under such leaders they have shrunk from no sacrifice.

The people of Italy had all the physical qualities necessary for a nation at war; enthusiasm in their work, the power to resist privation, and sobriety. Let us not forget that every year Italy lends to the world half a million workmen, ready for the hardest toil. At the front they have proved themselves to be the same energetic workers whom we used to see on the roads and in the factories of Europe and the New World. They have shown themselves to be more than this; the flame of idealism has lent power to their muscles.

The Italian soldier knows why he is fighting. From a proud and subtle people, loving criticism and argument, we cannot expect a blind submission to a Government's orders. A soldier submits, of course, to discipline; but, though soldier, he remains a citizen of a free country. This citizen not only answers the call of his country, but his conscience freely approves of this call. We were

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very much struck by the frequency with which both officers and men called this war *la guerra giusta*. Had the war not been a righteous one in their eyes, discipline alone would not have sufficed to induce them to accept such full and heavy sacrifices. Seen, too, in this light, the Italian Army is assuredly the nation in arms.

Here every one is more or less a follower of Mazzini, and the spirit of Garibaldi animates the hearts of the humblest. Thus, apart from their patriotic aims, the Italians—and, above all, the lower classes—have a determination, as it were, that justice shall be done. Prompted by the same obscure impulses which made the ancient Romans the pioneers of right, they have refused to stand outside the conflict in which the honour of Europe is at stake. Nothing touched us more than to hear soldiers and officers say that the armies of Italy had gone to war for the redemption of Belgium. For nearly two years we have found similar expressions of sympathy for our country in every town and village from the valley of Aosta to Vittoria in Sicily. But nowhere had they the same meaning and the same value as they had on those steep rocks on which the blood of Italy had flowed.

Under the influence of a thought so noble in its unselfishness the union of Italy becomes daily more complete; first, territorial unity by the restitution of territory unjustly detained by the Hapsburgs of Vienna, and next, moral unity. We must remember that Italy is not, like France, a nation born long ago, of which all the constitutive

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elements have become gradually blended in perfect harmony. Italy was born yesterday, as we count the days of the world.

Before 1870, races, languages, dialects, and political regimes deeply divided the country. Some of these divisions remain, as, for instance, provincial individuality. When we remember the long, narrow shape of Italy, it is easy to understand that the geography of the country is itself opposed to fusion. Frequent intercourse between the different provinces is hardly encouraged in a country so formed by nature.

The war has done what peace could not have accomplished except with the help of centuries. It has brought together all the Italians from Abruzzi and Piedmont, from Sicily and Venetia, uniting them in the same spirit of self-sacrifice ; it has brought them all the same suffering ; they all work painfully to the same end, and all have the same aspirations. It is thus that a nation is created and strengthened. From henceforth something is changed in the psychology of the people. The other day some soldiers were talking together : "Where do you come from ?" "Naples," said one. "And you ?" "Tuscany," said another. And a third replied : "I am an Italian. We are all Italians. We all have the same ideals !"

This is the new formula of Italian patriotism. It is a fruit of the war ; in the army it becomes an incentive to victory. The armies of Italy represent a fervent nation grouped around its flag.

CHAPTER II.

UDINE.

THE train which brings us towards Udine runs through calm, green landscapes, through flat fields intersected by placid canals in which are reflected clumps of willows. This Venetia of the Friuli would remind one of a rustic Flanders ; and the leaden sky which to-day envelops everything in a rainy mist would give colour to the conception, if the dry beds of torrents did not, from time to time, reveal the proximity of the mountains.

It is in this fair plain that the Tagliamento, descending from the heights of the Cadore, forms the white network of its deltas. We cross its arid, stony bed over a huge bridge, and we come, 200 yards farther on, to another, the wooden platform of which bears the weight of a row of motor lorries. We are now in the war zone, and these convoys are not the only signs of it. All along the line we perceive the silhouettes of carabinieri—Italian gendarmes—on guard, clad in grey from foot to cocked hat. Close by, sheltered by a clump of trees, soldiers perform their morning toilet on the threshold of their bell-shaped tents. Everywhere gangs of workmen are digging the fields, widening the railroads, heaping up white and black ballast together, laying down sleepers, fixing rails ; others are putting up fresh telegraph poles, or are nailing together the planks

UDINE

of a hut ; others, again, are putting the finishing touches to a row of white sheds with glass windows, as dainty and fresh in the green and damp meadows as the little pavilions in a world's fair. Elsewhere, their massive forms outlined against the cloudy sky, are to be seen huge sheds for dirigible balloons, with corrugated iron roofs on which the drops of water glisten. Further, we see more fields, where stand grey sentinels against trunks of trees amid clumps of acacias or at the edge of the tall maize, whose yellow flowers sway in the wind like a fringe. We pass troop-trains, from which half-dressed soldiers alight. They stride vigorously up and down the line to shake off the numbness of sleep. The newspaper-boy comes up, and is immediately deprived of his stock. Ten dark heads bend over the same sheet to read Cadorna's communiqué, whose few lines of concise prose bring, in these days of victory, a feverish light to the eyes.

* *
* *

In the diffused sunlight we now perceive the outline of the castle of Udine.

"Do not expect," said our guide, "to experience in this town the strong warlike impression which so many objects have produced in your mind throughout the journey."

His warning was justified. In the streets it is less military activity than the quiet rustic civil life which strikes you at first. Women pass along peacefully, carrying at the two ends of a stick (*dowintch*), or balanced obliquely on their

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shoulders, or on their gracefully crossed arms, their freshly laden baskets of vegetables. With a yellow wall as a background, an ox with huge horns stands out like an antique bas-relief, and, seated on a low cart, which it draws, a peasant smokes obliviously. The further we advance the more soldiers we see; but they are idlers out of work, and their officers, in top-boots or leggings, seem to stroll along with no object in view. As we pass under the low arcades which border all the streets, we have the impression that within the narrow walls of a peaceful provincial town a garrison is boring itself to death.

But with what charming picturesqueness is this little town decked out! It has a large, elegant piazza where everything reminds us of Venice. At the summit of a column the lion of the Serene Republic rests his lordly paw on the Gospel of St. Mark. In the massive clock-tower two men in bronze strike the bell; under a dome of lead two giants with powerful muscles guard the entrance to the staircases leading to the centre of the piazza, and the Loggia Municipale, with its pointed windows and the delicate Gothic sculpture of its capitals, seems a small pink-and-white replica of the Doge's Palace. At the foot of the staircases, in front of the Statue of Peace (presented to the city by Napoleon as a memento of Campo-Formio), in front of the fine Florentine arcades of the Loggia San Giovanni, life, quiet and monotonous, ebbs and flows. Can war really be raging in all its fury only at a little distance from here? It is difficult to realise it, though, as

UDINE

time passes, panting motor-cycles and cars turn at high speed round the angle of the piazza, and though, behind a palisade, one sees traces of an aerial bombardment.

We wanted to see the frescoes of Tiepolo in the Bishop's palace. The wonderful master who, in the eighteenth century, restored its splendour to the decayed Venetian decorative art, has worked marvels here. The ceilings, with their wonderful foreshortenings, the walls where float light draperies half-wrapped round the riotous grace of female figures, exhibit a bewildering skill in the service of an original conception. We stopped for a long time before a group of three young girls appearing to a prostrate old man. In regarding these scenes we seem to have escaped from the war; but, apart from the pleasure we derived from them, was not our lingering there a pious homage to the painter of the delightful ceiling—once the pride of the Venetian Scalzis, now shattered by the bombs of the Austrian aeroplanes? And are not the other Tiepolos in the city of the Doges more than ever in danger to-day when the Austrians are exasperated by their defeats?

*“Gorizia perduta,
Venezia distrutta.”*

So ran the distich written on the papers thrown by aeroplanes on the Piazza San Marco at the time of the first Italian offensive on the Isonzo. Will they not by sacrilege and murder destroy the scenes of the feasting of the angels on the ceilings of the Gesuati or

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those of the human feasts on the walls of the Labia palace?

* *
*

We go outside. The silence is unbroken and life at a standstill. We pass along mournful, muddy streets. A church, a large palace closed up, intensify our impression of solitude and desertion. Such a provincial town is doubly depressing when it drizzles, as it does now, persistently.

Suddenly a carabinieri calls out to us as we stop before a beautiful park, where drops of water tremble on the decorative branches of a large epicea. An iron railing, covered with straw matting, surrounds the garden. A silent palace, such as one sees only in an old clerical town, stands at the top of the garden. "*Non si può fermarsi*" ("You must not stop there"), shouts the carabinieri.

And when we question him as to his orders he looks at us with an astonished and already suspicious air.

Here in this silent house, built it would seem for some archbishop, victory was prepared!

* *
*

This victory is now no longer a vague dream. It has taken a definite form and name—Gorizia. It happened yesterday. But we must look closely at Udine before we can find any trace of it. Elsewhere, in all the villages and towns behind the front, the fluttering of flags, the mirth of the

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people, the expression on their faces, the universal though half-suppressed cry of triumph, proclaim and joyously repeat the glad tidings. But here there is nothing of this. Here the tricolour is rarely seen and is kept in the background. On the great piazza the mean equestrian statue of the king *galant'uomo* carries still a few artificial flowers with the Italian colours which decked it at the time of the recent demonstration. Maybe those who win such triumphs with their own hands have no time left for commenting upon them. . . . But people are stopping before a shop window. The first photographs taken in Gorizia redenta have just been placed there. The newspapers which appear are read with a silent feverishness. For this population the victory of yesterday is the beginning. Like true conquerors, they dream of a triumph for to-morrow.

The long pink-vaulted gallery of the castle, with its pointed arches, brings us to the hill where, the legend says, Attila stood gazing at the burning Aquileia. To-day the belfry of Aquileia, the highest of the Friuli, is shrouded in the grey mists. To-day one sees only the pink roofs of Udine, a few fields, and some roads. A thick fog quickly blots out the landscape. Over there to the right the sea is hidden in this overwhelming whiteness. Monfalcone, conquered by the Italians only two days ago, rises in that direction. To the left is the road to Vienna—scarcely visible in the dense atmosphere. But straight in front of us, the sun, which has not ceased to struggle with the fog, exposes to view for a moment the outlines of

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the massive grey mountains. Along a road of immense breadth a motor-car, like a climbing insect, hurries towards us. These mountains, or their sisters behind them, have names—Sabotino, Podgora—and at their feet the Italian Gorizia lies smoking from the furious bombardment of the retreating Austrians.

These lead-coloured forms, outlined against an horizon of quicksilver, are now covered with so much glory and enveloped in so much mystery that they cannot but give rise to many reflections. At our feet, with a flesh-coloured wall for background, the arabesque arches of the castle stand out in relief. Some idle soldiers sit along the wall, reading letters or newspapers.

In the middle of a vividly green lawn, which leads to the loggia, is a cluster of crimson flowers, like a blood-red star.

The dark mountains also have their blood-red stars.

CHAPTER III.

ON THE WAY TO THE BATTLE-FIELD.

LUCINICO.

THE road which leads from Udine to Gorizia has no perceptible slope. It passes through well-tilled fields, the aspect of which recalls that of Flanders, reminding us that we are still in the same rich, flat country through which we passed yesterday in travelling from Messina to Udine. And yet, when we come to a little bridge over a narrow stream, the officer who acts as our guide exclaims :

“Here is the old frontier !”

The old frontier ? We look for some natural justification for this political division. But there is none. The landscape and the earth's produce are the same on both sides of the arbitrary line traced off by Austria at a time when Italy was not sufficiently powerful to oppose her will. There are no mountains except on the horizon, far in the imperial territory. They end in the plain of the Friuli, the sister of the Venetian plain. They seem to have been placed there for one purpose only : to increase the spirit of the Army in occupation of the heights on the day when it descends into the Italian plain. The scene invites invasion. From her position there Austria threatens the security of Italy, and the very existence of the peninsula demands that these mountains on the horizon should be its boundary on the north-east.

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But the rights of nationalities also make it necessary that the frontiers, of which Italy has such pressing need in order to protect her plains, should be restored to her. To convince oneself of this it is sufficient to look at the dwellings where the Venetian forms of architecture continue to subsist, or to listen to the language of the peasants settled there.

We cannot deny, of course, that here, as in Dalmatia and Istria, the slow influx of the Slavs has slightly adulterated the character of the Italian race, but wherever the two races have been left free to blend together, the superior civilising influence of the Italian absorbs the Slav as being of a less vigorous character. In spite of the opposition of the Austrian police, in spite of the seeds of division so constantly sown in accordance with the principles of the Hapsburg monarchy, in spite of the efforts made to instigate the Slav against them, the district of Gorizia has ceaselessly shown its desire to be united to the kingdom of Italy; valiantly, tenaciously, and cheerfully has it struggled, very much in the same way as the provinces of Alsace-Lorraine have struggled against Germany. As at Colmar and Mulhousen, the sporting associations became the nucleus of the resistance. Among them the *Unione Ginnastica* must be mentioned as having deserved the best thanks of Italy.

Let me tell you a little story—one which might be illustrated by a Gorizian Hansi if Gorizia were, like Mulhousen, the birthplace of a patriotic artist. One day a boy was passing through the

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streets of Gorizia whistling the Italian hymn "Lega Nazionale." "Hullo, there," cried a policeman, "can't you whistle some other piggish tune than that?" "Certainly I can," replied the urchin, and, with his hands thrust in his pockets, he went his way whistling the Austrian national anthem!

Believe me, Gorizia deserves the name of "Gem of the Italian Friuli," and the song runs true that says: "Would Gorizia be Slav because four Slovine emigrants had arrived from Plava?" No, indeed, by that argument Trieste is Slav and Pisino is Slav. No, no:—

*"A Gorizia benedetta
Tutto, tutto e italian."*

"All, all are Italians
In Gorizia the blest."

* *

We now come to Cormons—the first town reconquered by the Italians. Here one feels that one is approaching the front. The whole of the little town is occupied by soldiers. One sees them at the windows, and in the sheds repairing motor-cars, and again in the lofts piling up fodder. On the little piazza they form a confused mass around the statue of Maximilian, the inscription on which is hidden under a placard bearing, in Italian, the words: "Memento of a barbaric past now abolished." From the early days of the war the soldiers have compelled the Emperor to enlist in the Italian Army, the staff of a tricolour flag has been placed in his hand, and he has been made to play the part of an ensign-bearer.

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But we notice that it is not only the men of bronze who manifest their loyalty to the kingdom of Victor Emanuel III. From the frontier onwards the whole population exhibits an intensely patriotic enthusiasm. Great flags are floating from the windows of private houses and public buildings. Placards announce in glowing terms, and with that rhetoric peculiar to the Italian poster, the news of the victory, and touchingly invite the inhabitants to celebrate it by gifts to the Red Cross. Thus this extremely remote district of Italy gives proof of its union with all the other parts of the peninsula.

Other scenes illustrate the determination of all to act together in their country's interest: a score of Sicilian carts at the cross-roads are recognised by their naïvely painted panels vividly proclaiming the heroic exploits of the paladins of old. These carts seem unwilling to separate from one another like the soldiers themselves, natives of the same village, who flock together when off duty.

The mist is rising, and unveils the nearest mountains. The country now shows more conspicuous traces of war. In the fields bellowing oxen, destined for the slaughter-house, stand at the two sides of a manger, over which swing their long horns. On the road cavalry are passing along, their horses' shoes flashing in the sun. Motors full of stretchers pass now more often, their dark-brown hoods marked with the Red Cross. They are followed by carts drawn by six mules, heaped up with hay, on the top of which sits the driver.

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Then ammunition convoys, keeping close to the ditches, with their green banks. Suddenly a splendid regiment of dragoons dashes past us, the royal ensign floating from their lances. Under their tall helmets, which bear the blue cross of Savoy on their peaks, they look like Roman soldiers of yore.

They, too, are making for Gorizia, for they say that General Cadorna's strategy has brought the cavalry into play again. We enter with them the little village of Mossa, where a few roofs have been knocked in by shells and the fronts of a few houses have been slightly damaged by shrapnel. But we soon leave them behind, and see the first gabled roofs of Lucinico appearing on the horizon.

Of Lucinico the name alone survives; nothing is left of the village. Of some of the houses no stones have been left standing, while others show only the skeleton of their framework. In the middle of what was once the square a little blazoned well is filled with debris. We pass over this accumulation of rubbish covering everywhere what once were streets or gardens, no longer distinguishable now were it not for the few remaining street-names; and these names are Italian—"Dante," and "Julius Cæsar," which the inhabitants proudly used to read when they were still under the Austrian yoke. Were not these name-plates signs of a popular vote taken before its time?

At the corner of one of these streets we stopped before a chapel which has been strangely spared by the bombardment. A crude wooden carving, coloured by some peasant artist, here recalls that

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fine Christian type of victory—St. George trampling the dragon underfoot. And the irony of it! It is an Austrian shell which, by piercing the wall just behind the saint's head, has given him a halo of sunny sky.

CHAPTER IV.

THE GEM OF THE FRIULI.

GORIZIA.

THE last houses of Lucinico climb up the slopes of Mount Podgora, which overlooks the Isonzo valley and the plain of Gorizia. We have to climb to the summit of this hill to see the redeemed city. Scarcely have we started when the ground begins to show traces of an appalling struggle. The earthworks prepared in the yellow ground show deep breaches or are choked up by falling sand-banks, some of which show the brown stains of blood. The indomitable will to advance, the furious onslaught, the obstinate resolve to cling to the battle-field, have left their marks behind. We think we can see traces of the knees, the hands, the nails, which gripped every bit of the ground in the determination to conquer.

The fighting still goes on round Gorizia, and near us Italian batteries boom and tear the air, and shells hiss and moan as they fly through space.

We now climb near the trenches of the Podgora, the conquest of which is so recent that there has not been more than enough time to carry away the wounded and bury the dead. Much of the booty is still lying about — cartridges, hand-grenades, and bombs—in indescribable confusion, so that we have to walk warily.

Heaps of black loaves, some of them half-eaten ;

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torn sacks ; ragged clothes, soiled with mire and blood ; blue helmets, twisted guns, bent bayonets, breech-blocks, iron scraps, empty haversacks, broken planks, open packing cases, unrolled dressings, stones and linen stained with blood, leather straps, socks, soiled stretchers, the horrible sickening smell of corpses only half-buried. Rats and mice hurry away at our approach. And over the hill, torn, as it were, asunder, broods an oppressive silence, broken at intervals by the thunder of the guns.

Papers lie scattered everywhere, some printed in German, some in Hungarian. Letters and post cards bringing touching news from anxious parents to a *Carissimo figlio, caro fratello*, the last tender messages sent to those who were to die. It seems a sacrilege to tread them under foot as we do.

Four days ago the enemy was still here. In place of the Italian barbed wire fastened to wooden crosses of St. Andrew, we now see Austrian wire fixed to iron posts. How appalling the struggle must have been which dislodged the enemy from such well-protected trenches. On the shapeless ground lie steel shields, pierced through by the deadly bullet of the machine-gun. In caverns dug in the rock munitions are heaped up, protected in their cases, smeared with bitumen, against the damp. Everywhere, hundreds of packages of machine-gun and rifle cartridges and hand-grenades lie in the mud and dust. All the defensive works have been ploughed up by the terrible force of the shells. The mountain is pierced by yawning caverns ; the trees, stripped

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of their branches and their leaves, stand like skeletons against the grey sky. The Podgora is like one vast cemetery. Infantrymen are picking up here and there clothes, weapons, and cartridges.

We had just left the trenches in order better to climb the hill when a soldier touched us on the arm and stopped us by a gesture, without saying a word. We look around us. At our feet the earth is somewhat swollen, but at first we see nothing strange about it. A moment later we understand the meaning of his movement as we distinguished the contorted outline of a body, lying on its side. We see the feet and nailed shoes piercing the thin layer of earth, then the whitened ribs, and next the head, which some one had wrapped up in a military cloak. But the sun and rain have corroded the material, and through a hole two pure-white teeth appear. We remove our hats; filled with horror, we think of this fallen soldier now crumbling away above the ground—one of so many sleeping their last sleep on this field of honour.

* *

We are now at the summit of this tragic hill. At our feet, in the plain, there winds a narrow stream, which becomes dry in the summer heat, but which now wreathes the green ribbon of its gentle waters around islands of white pebbles. This stream is the Isonzo, across which stretch several bridges. One of them is the railway bridge; there the twisted lines pass over a large gap

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where the arch was blown up by the retreating Austrians.

On the left bank of the stream there are houses in ruins. This is the village of Podgora.

Lower down, on the right, the grey silhouette of the castle of Gorizia appears from out the mist which still veils the lower parts of the town. And from the castello itself arise puffs of smoke; the Austrians are there, bombarding the Italian artillery, which replies shell for shell.

The little town is there, all white and pink. Its streets are deserted, but its houses are uninjured. To see it thus, looking so fresh in its valley, intersected with white paths, it is difficult to realise that it has been and still is the stake of this appalling conflict. One needs to look closely to see the holes made by the bombs on the railway banks, and farther on, in a suburb, the tall chimney of a factory broken like a tree.

Down below an Italian battery is hidden among the trees. There is a flash, a roar, a prolonged hiss, and then again deep silence.

The strangest thing about this battle of which we are the spectators is its silence—the silence and the solitude of the vast expanse before us. In the whole valley of Gorizia no human being is visible as far as the eye can stretch—no troops, no pedestrians, and no riders. From time to time a motor-car passes in a cloud of dust—the only moving thing in this still landscape. But on the left the artillery duel goes on. Little white puffs of smoke, like shreds of cotton-wool, mark the explosions. At frequent intervals the air is filled

THE GEM OF THE FRIULI

with the moaning of shells. But that seems something apart from the silence. We have the same impression when, the distressing tac, tac, tac, of the machine-gun having stopped, presumably for an infantry action, silence reigns again.

On the right, in the direction of Doberdo also, the struggle goes on. To conquer Gorizia was a prodigious feat, but it is only half the battle. That the victory may be complete it is necessary to remain there, and therefore to expel the enemy from the surrounding heights whence he might still bombard the city. And this they are doing before our eyes, trying to reach the bridges and roads, hurling their shells on the town, and causing fires to break out there. But it is the rage of despair. Their efforts are continually frustrated by Italian energy. From the high place on which we stand we cannot realise to the full what is going on. Later, when we return to Udine in the evening, we shall have to read Cadorna's communiqué to understand that the action which we have been watching with such feverish excitement has ended in another success for the Italian arms.

We go down again past the earthworks to the spot where lie the dead. We pass before the shelters of yesterday. On the threshold we read: "He who takes off his mask is a dead man." Here a few days ago a furious struggle was raging. Now Nature reasserts itself on the shapeless earth. A grasshopper sings in a chink of the rock. The bind-weed grows around a roll of rusty barbed wire.

CHAPTER V.

AMONGST THE AUSTRIAN PRISONERS. THE ENVIRONS OF UDINE.

IF you leave Udine by the southern gate you see spread before you a beautiful road lined with tall plane trees. In time of peace this road was of little importance. It owes everything to the war. In the fields right and left, as far as it stretches, temporary barracks for the army have been built. It is covered with every kind of military vehicle, and it would become unbearably dusty but for the unceasing care of the workmen who water it.

But if you would have a truly impressive sight of Italian organisation you must leave behind you the picturesque little town of Palmanova, with its streets branching out like a star, its massive gates, its belt of grass-covered earthworks, and its deep moat, which show it to be an obsolete type of fortress.

Then, for many miles on both sides of the road, you see villages built of wooden huts covered with bitumen, which have a clean and almost dainty appearance. In front of some of these huts flower-beds have been laid out. The streets have their names. Here and there one sees recreation grounds, gymnasiums, and pavilions with flowers climbing round them. Truly, these Italian camps have no reason to be jealous of the English ones, which are reputed to be provided with every

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comfort. But just now they are empty. The soldiers are all at the front. Only a few remain here and there. Soon they will be filled by a new population, for we have just come across companies of reservists on the road still without their equipment, and carrying on their backs their kit and new pairs of shoes.

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* *

At a turn of the road, in the midst of fields of maize and clumps of poplars, there rises a clamour, and soon we are in the camp of the Austrian prisoners. A few soldiers are keeping guard outside a light wire railing, so light that, before we have passed through the gate of the camp, we have already entered into its life.

The officer who does the honours apologises for any want of order that we may notice: "We have been rushed since the victory," he said. "It has completely upset us. Only a few months ago we had no more than twelve prisoners. To-day we have a thousand times as many, and they do not cease to arrive."

These apologies are, of course, by way of polite speech. What strikes us, on entering the camp, is the complete order and cleanliness which prevail there. On each side of vast empty spaces are rows of wooden huts. In these it has been possible to place a great number of men, but, large as these huts are, they are by no means sufficient, and numerous tents have been erected under the canvas of which the latest new-comers are installed. They are everywhere, still stupefied after the protracted

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fatigues of the campaign, lying in the sun or playing and chattering in groups ; some of them leaning by themselves against the balustrade or writing letters on their knees.

This mixed crowd is full of interest and picturesqueness, a swarm of men in grey, shabbily dressed, wandering idly and aimlessly about, reminding us of a great meeting of workmen on strike.

The encampment, we are told, as we traverse it in all its length, is only a provisional concentration ground. The prisoners rest there for a few days before they are distributed in the different districts of Italy. As they come directly from the front, it is necessary first of all to see to their cleanliness. In the department where they are immediately placed are douches and baths. They all have to go there, and whilst they are inside their clothes and linen are disinfected in the tubs which one sees close at hand. They then enter into the second division, where their state of health is looked into ; their intestines are submitted to a bacteriological examination. When that is done they are admitted to a third department, and there they await the day when the place of their internment will be finally fixed.

We were able to see the working of the system which the officer has just described to us. When they leave the douches the men put on clean linen and spotless clothes. Some of them gather around the chapel. These are those who are about to leave the encampment for the provinces. Others repair to the refectory, where they receive their

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portion of "minestrone"—an appetising soup of rice, meat, and tomatoes.

"What kind of food do you give your prisoners?"

"When they arrive exhausted by the battle, we fortify them with a meat repast, after which they have exactly the same diet as the Italian soldier."

"And does that suit them?"

"Ask them," replies the officer, with a smile.

As we pass along, all the prisoners stand to attention with a correct and deferential air. We notice one who puts his plate on the ground, the better to salute us.

Our guide speaks to him in Italian.

"Does he understand you?"

"He is a pure Italian, as you will see."

And, turning towards him:

"Where do you come from, my man?"

"From Trieste, sir."

"Do you like the minestrone?"

"Oh, yes."

"Is it as good as you had at Sabotino?"

He makes a movement of astonishment as if it were impossible not to know the truth.

"One didn't eat over well there of late," he said.

"Then you are not sorry to be a prisoner?"

"On the contrary, I am only too well pleased."

We notice that this subject of the Austrian Empire pronounces his words in Italian with the purest Venetian lisp!

But, in spite of this statement of the soldier from Trieste, the Austrian prisoners have by no

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means the appearance of men who have been badly fed. As a rule, their physical condition is excellent, which may be explained by the fact that the Austrian Staff has sent the finest regiments to oppose the Italians on the Isonzo.

They carry the proof of this on their breasts. A number of special little medals were sold to the *corps d'armée* of the Isonzo which many of the soldiers attach to their tunics; and those are not the only distinguishing marks which they bear. Some of them sew crosses on to their caps as evidence of their Catholic faith or in the belief that they will protect them against all danger. Others carry the portrait in bronze of Francis Joseph as a souvenir of the old Emperor's anniversary. Those who have been wounded have a red stripe on their cap.

An elderly man greets us with a smile.

"How old are you?"

"Fifty."

"What were you doing in the army?"

"I was working. I was made prisoner while I was digging a trench at Podgora."

"Where do you come from?"

"From Zara."

"Are you an Italian?"

"Half Italian and half Slav. We migrated to Zara from Montenegro, to carry on the profession of cultivators."

"Then you have relations in Montenegro and in Italy?"

"I have numerous relations in both armies."

By the side of these elderly men there are

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others quite young; beardless, frail-looking soldiers of sixteen or seventeen. When you question them they reply that they are "volunteers." One of them says that he is a "volunteer in spite of himself." We try to learn what is this particular kind of voluntary service; but we get no answer. The non-commissioned officers who wander about near the prisoners whenever we question them seem to have maintained their authority over these poor men. When the latter perceive that they are near them they stop talking for fear of saying something wrong.

Generally speaking, while the men inspire deep sympathy, their superiors exhibit a supercilious arrogance. They maintain the spirit of caste, although misfortune, in equalising their situation with that of the other prisoners, has deprived them of all official authority over them. They still regard them with contempt.

"I speak French, sir," said a young man with shifty blue eyes.

"Have you lived in France?"

"Yes, at Paris. I was a painter."

"Did you like Paris?"

"Very much. It is the town I like above all others."

"You were sorry to leave it, then?"

"Oh, yes. I left it the day when Austria declared war on Serbia. I had an English friend. We wept like children when we bade one another farewell on the quay."

"You are an Austrian?"

"Yes, . . . that is to say . . . I am not a

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German Austrian. I live in the district of the Danube."

"Are you pleased to be made a prisoner?"

He replies as if by rote:

"As a soldier, I am not pleased. As a man, I should be if ——"

"If what?"

"If I could reassure my relatives as to my fate."

"Well, you can write to them."

"I know that, sir; and I know that the letter will go from here. But will it reach its destination?"

This examination of the prisoners, to which they submit with a very good grace, is deeply interesting to us. The difference of language makes the conversation difficult at times; but the difficulty disappears, thanks to the goodwill of our guide, Major Cito,* who is a remarkable linguist. Sometimes when a dialect renders the conversation full of difficulties a prisoner voluntarily offers himself as an interpreter.

"Are you wounded?" we asked one of the Austrians.

"Yes, slightly."

"Are you being well looked after?"

"Very well."

Major Cito remarks to him that: "Our soldiers

* Major F. Cito, Duke of Torrecuso, attached to the Foreign Missions at headquarters, was our obliging and well-informed guide during those days. We owe him our special thanks; and we must not forget also to thank all the officers and soldiers with whom we came into contact, and who showed us the greatest courtesy and were most eager to give us all the information we desired.

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show greater attention to your wounded than you do to ours. I have seen the iron clubs with which you finish off those who fall.”

“I have seen them, too.”

“And what do you think of it?”

“When a soldier no longer holds a gun or a bayonet he ceases to be a soldier. He is only a man, and as such has a claim to mercy.”

His statement is incomplete, but it is formal.

“Where do you come from?”

“From Galicia. I was born at Czernowitz.”

“Do you know that the Russians are at Czernowitz?”

He looks up with astonishment. He knows nothing. No one has told him anything.

* * *

We had now questioned several men, all of whom were satisfied with the regime to which the Italians subjected them. What struck us most was not only the difference of the national type, but the diversity of languages. Latins, Poles, Slavs, Rumanians, Bosniaks, Czechs, Magyars elbow one another in this strange babel of a camp—an army composed of ten nations. Austrians, properly so-called, we have not seen, and while it is true that we have heard German spoken, German was never the maternal speech of the person who made use of it. An army represents the State which it supports, and this motley crowd is a symbolic image of the Austrian Empire—an anomalous medley of nations prevented from fulfilling their natural destiny. The Italian

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motto of "*Delenda est Austria*" is also the inevitable conclusion of our visit to these twelve thousand poor devils who defended, on the banks of the Isonzo, the wildest myth that ever sprang out of the vagaries of history or the ambitions of princes.

CHAPTER VI.

IN THE FRESHNESS OF THE MORNING.

UDINE.

SILENT and fresh this morning is the little town of Udine, where the pulse of the war is beating, though some miles away from the front! Yesterday evening there was an unusual air of anxiety in the town. A crowd thronged under the arcades and on the piazza; but such a strange crowd! People of shadows in a city of darkness. Here and there a few blue-shaded lamps barely pierced the gloom, and were but points marking the way to the passer-by. The arcades had the appearance of black caverns. One felt that there was life in the houses, but it was hidden behind the heavy curtains hanging from the lintels which one raised furtively on going in or out. It seemed everywhere as if conspirators were working in an atmosphere of danger from spies.

But this morning there are no longer spectres wandering about. In the shade of the arcades graceful girls pass along, whose clear voices echo in the vaulted roofs. The air is brisk, and the New Market is filled with laughter and song. The Market Square is surrounded by arcades. At one end is a white church with the voluted capitals beloved of the Jesuits and a column supporting the slender statue of the Virgin, surrounded by four angels carrying black flags. A fountain

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makes music in the centre, and around it and the Madonna white tents are unfolded. The gentle patter of wooden clogs is heard on the flagstones ; baskets open, and the fresh smell of vegetables and fruits pervades the atmosphere.

But all the grace and sweetness of this peaceful morning is crowned by the scene of the flower-market, installed close by under the arcades. There is a single row of round baskets at the foot of the column, and in these baskets are dark-red dahlias, lilies, marguerites, and sun-flowers, in the midst of which spring the bright, swordlike leaves of the gladioli, forming rich harmonies with the delicate green asparagus fern in the background.

The flower-sellers are even more charming than their flowers. They wear a kerchief round the head, and tie it under the chignon, which presses on the knot so that the two ends stand out. These kerchiefs—or *fazzoletti*, as they are prettily called in Italian—are either made of faded, printed calico or of red and blue material in bold combinations ; some, of a severer tone, have a black ground strewn with tiny, vividly pink roses ; others, also on a dark ground, show yellow designs like the brocades in fifteenth-century frescoes.

All these women seem to have stepped out of a wall painted by some skilful master of fresco. That one close by us, for instance, who stands, one hand on the pillar, with a bunch of purple cyclamens in the other, seems to have selected her flowers to harmonise with her deep red gown

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and the blue kerchief which covers her hair. One would even say that she has chosen her surroundings less for the purpose of disposing of her stock than for effect. For she has taken up a position in front of an ochre-coloured wall, where the brown of the shutters completes the dainty symphony of colour. Others have a graceful way of raising armfuls of marguerites, blue as their own blue eyes, or of laying thick-petalled dahlias on a bed of green foliage, as on an altar in the procession of the Corpus Christi.

They are as unconscious of their beauty as are the flowers of theirs. They unintentionally produce poems of colour which no artist could surpass. They give evidence in this of the overpowering instinct of this race which has given us such brilliant colourists.

Look at that old woman sitting there and leaning against a column. She is in black from head to foot ; she wears a black gown, a black apron with white spots, and a black kerchief, and in front of her are white and mauve flowers. She forms a picture which would delight a painter with an eye for harmonies of tone.

But it is not only a matter of colour ; it is also one of pose. The old woman reminds us of Ursula's foster-mother in the painting by Carpaccio. The young one has the grace and elegance of some of the decorative figures of Paolo Veronese. All of them have easy movements, noble and natural attitudes. One of them bends with a delicious suppleness of limb towards a customer to whom she offers her flowers.

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Another leans her elbow lazily on the pillar of the arcade. One of them stoops to take out carefully the dahlias piled in her basket, and all these movements are true and natural. They are like the notes of a piece of music where no discordant sound is heard ; harmony of line is there, as well as a fanfare of colours. Most of these peasant women are far from being of a truly Italian type. Their skin is white, their hair is fair, their eyes blue, their lips thin ; these clear blue eyes—at the same time naïve, proud, and dreamy—have something of the Slav charm. . . .

They are a lovely vision, these simple beauties of the rustic Friuli ! But the woman who buys this bunch of gladioli, and who is dressed in black, with the silk-fringed shawl of the Venetian peasant covering her head, tells her story in these words : “It is a fortnight now since he died. Every Sunday I shall bring him flowers.” This little grave, where sleeps an unknown soldier, covered with gladioli as with a blood-red dew, reminds us, as we stand before the peaceful New Market, how ardently though silently beats the pulse of the war in Udine.

CHAPTER VII.

THE MYSTERIOUS REGIONS OF THE ALPS.

THE DOLOMITES.

OUR car follows the road by the side of the Tagliamento—the stream with the bed of rock into which the Fella flows from the direction of Vienna. We cross the Venetian city of Gemona, where, at the threshold of the church, is a large figure in stone of St. Christopher carrying the infant Jesus. We next come to Venzona, where we have a glimpse of the two angels with their wings closed on a Gothic gate, and see some fine loggias and the outer staircase of an artistic Town Hall. Then, avoiding Ampezzo, we reach, by way of the picturesque Passo della Mauria, the little town of Laurenzago.

It is Sunday, and the people of the little borough are coming out of church. Some of them collect on the piazza and discuss their affairs. Others, overcome with curiosity, gather around our car, which we have stopped. Suddenly a gun booms. Then another, and again another. Every one raises his head and stretches his neck, scanning the blue sky. An Austrian aeroplane is passing at a great height, pursued by the anti-aircraft guns. The incident causes intense excitement. When all is quiet again, the peasants, recognising the uniform worn by Colonel Morel, our Belgian Military Attaché, make an enthusiastic

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demonstration in honour of Belgium. Was it not touching to find, even in this humble mountain village, the echo of the generous sympathy which Italy has so often shown us ?

Farther on, at a spot called "Tre Croci" (at an altitude of 1,825 metres) we suddenly discover the valley of Cortina d'Ampezzo. The site is surprisingly beautiful and calm. Before the war it was Austrian territory, and Cortina was a favourite resort of tourists. In the first days that it took the offensive the Italian Army restored this Italian soil to the Fatherland. Many of the inhabitants had fled to safer regions ; those who remained have now been placed under the authority of an Italian mayor. Cortina is still exposed to the fire of the Austrian guns, which have been placed in the fort of Saint-Pauses, and several houses bear traces of recent bombardment. A shell has made a hole in the zinc roof of the Municipio. Another has knocked down a house as far as the first floor, the interior of which it has laid open. Numerous window-panes are broken ; the hotels, of which there were about ten large ones in the town, are closed, including even the *Schwarzer Adler*, which is now the *Aquila Nera* ; but we manage to find one which consents to supply us with a frugal breakfast, and we walk for a few minutes along the only street which remains, to get a better view of the scenery.

It is easy to understand why Cortina is frequented by tourists and has become a holiday resort. Not only does one breathe an invigorating air in those high regions and experience a restful

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feeling in the presence of the wide expanse before one, but one finds a special interest in gazing at the strange and fantastic shapes of the mountains around.

Geologists have given reasons for the peculiar formation of the Dolomites. The winds and rains, they say, have cut the rock into various shapes ; but one would almost think that they had chiselled them with the care and deliberation of a human agent. The mountains, indeed, look like great buildings planned and constructed by giants for giants.

But the architects who designed them seem to have been possessed by some delusion. They have the aspect of huge fortresses bristling with towers and dungeons overlooking abysses, and the regular formation of the winding paths in the rocks makes them look like rows of windows lighting the galleries and passages of watch-towers. So it is with the pinnacle of the Cristallo on the one side, and on the other the three peaks of the Tofanas and the Cinque Torri.

Even in its days of peace and quietude one might have thought that the country was surrounded by fortresses, and what was an illusion before has become a reality in war. Soldiers have climbed to the top of peaks which seemed to reach the sky, and have hoisted their guns after them. How have they done this ? How, indeed ? It seems almost impossible. Without the distinct statement of our companions and the circumstantial details of the capture of the Tofana, we could not believe it. At the bottom of the valley,

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towards the north, Mount Saint-Pauses, in the district occupied by the enemy, looks like an enormous hostile fortress, and above the green valley men are there watching intently, and the powerful voice of the cannon is ready to make itself heard. We feel a strange sensation as we gaze at the weird mountains before us, which at times recall the visions of Gustave Doré. The whole country speaks of death, of violence, and of desperate resistance; episodes of war have occurred here which one day the popular imagination will exaggerate into heroic legends. A new Homer will sing of the superhuman deeds performed in these mountains. The subjects of such themes are here already at hand, where the heroes are fighting. . . . But peace reigns in the little town.

Silent, too, are the woods, bathed in the sun of the azure sky. But it is a clear silence in which the least noise is quickly traced to a definite object, the silence which is not so deep that it eliminates every sign of life. It is the stillness of woodland scenery which one feels may at any moment be broken by the clear notes of a shepherd's flute.

CHAPTER VIII.

THE MIRROR OF ALLEGHE.

CORDEVOLE.

THE green Cordevole has cut itself in the rocks of the Belluno Alps a narrow path called the canal of Agordo after the little town which this modest tributary of the Piave waters not far from its source. The country surrounding the Canale d'Agordo is picturesque throughout, whether it makes its way through rugged mountains or pleasant little valleys which draw in the horizon. Before the war it was rarely visited ; but it has now been called upon to serve as a means of communication with the Dolomite front, and it has been necessary to adapt it to its new calling. In a few months the engineers have performed a miracle. They have widened the way. Great rocks have been blown up at difficult turnings ; wooden bridges, supported by complicated and elegant structures, have been thrown across the torrent ; railings have been placed along the whole length of the track, so that it is now as easy to pass along it as on the best roads of the plain. In less than a year military necessity has achieved the realisation of works which, in time of peace, usually take a score of years.

It is this road we follow one grey, cold morning, which improves, however, as time goes on. As the valley broadens, we discover still higher peaks. Some military convoys, consisting of

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columns of motor-cars and carts drawn by mules, travel in the same direction as ourselves. They bring with them barrels of wine, which will be tapped on the heights for the soldiers of the mountain. There is a train of carts, too, laden with fodder.

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How charming is the little lake of Alleghe, amid the dark fir-trees. As soon as we reach it we hurry to the *Comando* to pay our respects to General X., and consult him as to what we ought to see in the district. The General is away ; but the officers of his staff, immediately we are introduced to them, receive us with the greatest cordiality. They seem pleased, in their isolation on the Alps, to meet friendly faces, and proud to show how they, too, participate unceasingly in the national effort. As the question of luncheon plays an important part in the consideration of our proposed movements, they solve it by begging us to take seats at their table. They have taken up their quarters in a coquettish little villa, with a suggestion of the Venetian style, overlooking the lake, and while the meal is being prepared we gaze with ecstasy upon the scenery.

Even amongst the most vaunted views in Switzerland there are few that will compare with this ; rocky peaks of high mountains of picturesque shapes hem in forests of firs and green pastures. On the right is Mount Civetta. Towards the left is the Col di Lana—the scene of gigantic struggles. Here and there, in the dark foliage,

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yellow tints, bright as little rays of light, betray the approach of autumn.

The lake is of a slightly sombre colour, like a mirror in the bottom of a large green chalice. A peaceful barque crosses the water, leaving trembling reflections in its wake. In it are mirrored pale green prairies, dark-green forests, yellow crops in neat squares, brown châlets with their broad wooden roofs, the white church and freshly built houses, red tiles, and the pink, pointed belfry of the village. All these colours are there, quivering on the dark surface. . . .

The road follows the lake, bringing us close to the village. Convoys of provisions pass incessantly. The sturdy, nimble mules carry bread and wine to the men on the heights, forage for the beasts of burden, and munitions to the artillery. Grey carts, grey-green soldiers, and dark-coloured mules are seen upside-down in the water as they pass along the paths, which have been lately renewed, as is shown by the newly turned white stones and brown soil which nature has not yet had time to bring into harmony with the surroundings. This incessant and picturesque movement on the new road is one aspect of the rough mountain warfare that Italy is waging.

Anyone who stoops over the mirror of Alleghe is all the more convinced of the importance of keeping up the communications with the front by the difficulty experienced in doing so. On other battle-fields a clever and far-sighted organisation has solved the problem by means of railways and motor-cars, and if one solution fails another is

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found. One may choose between different routes, or combine two together, or vary them; but when one has to do with troops fighting on the tops of mountains or at the upper end of a valley, there is no choice outside the path of the valley itself, in which the torrent runs; and it often happens that these mountain paths are little frequented, and nothing better than uneven mule tracks, which barely meet the wants of the natives in ordinary times, and are impassable to motor-cars, lorries, or heavy transport carts. The roads already existing were narrow and scarcely permitted the few vehicles which used them to pass one another—and that only at a great loss of time. In war time the descending convoy became as important as the ascending one; therefore, to make war, it was necessary to make roads.

To construct new routes or improve the old ones, to study plans, calculate or level slopes, to widen the way and secure it along the edge of the precipice, and so ensure the regularity and rapidity of the traffic, is a work of formidable dimensions. And when we consider that this work was sometimes carried out under the enemy's fire from guns placed on dominating positions, we shall better understand what the armies of Italy have done. We shall understand what protracted labour such a work required, what months of patience and perseverance, what efforts—performed in silence and without glory, but indispensable to success. The utility of these works will last beyond the war, and when peace is made the roads will remain as the surest

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means of bringing wealth and prosperity into these regions.

A general who, like Count Robilant, constructs such roads wins for his country noiseless but very fruitful victory. Without even speaking of the future, we may say that he has rendered possible this almost impossible mountain warfare—a warfare as strange and unprecedented as that of the trenches in the plains.

A network of roads is as necessary and useful to a country as is the network of veins and arteries to the human body.

And this road which runs along the edge of the lake, where we see the incidents of Italian warfare, is a model of the thousands of kilometres of other similar roads which now ascend the valleys, link them together, and unite mountain and plain without interval.

We obtain a better conception of the difficulties of this war watching the silhouettes of the mules reflected in the mirror of the lake. We understand and admire.

Here again the silence is vast. It is broken only by the murmur of the fountain in front of the villa of the Staff officers, or, at times, by a dog barking in the village on the other side of the water, a creaking wheel, a hooting motor, a snorting cycle, or a gun firing in the distance.

Yesterday the Austrians bombarded Alleghe. A 105 mm. shell bored a hole in a house near the Municipio; another fell in the cemetery, disturbing those long since dead. No one took any notice of them. The inhabitants have all

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remained ; the women, with handkerchiefs tied on their heads, are washing their linen, and the procession of soldiers and transports continues without interruption.

But it is time to take our places at table. Our glasses are emptied to the resurrection of Belgium, who "was the first to give the necessary example of heroism."

Raising my eyes to the ceiling, I see there graceful nude figures, in a style suggestive of the Venetian, like the villa itself, and I congratulate my hosts, saying :

"You have pretty women here."

A young lieutenant answers in a melancholy tone :

"Yes ; but, alas, only in painting !"

The lieutenant's exclamation revealed to me yet another aspect of the mountain warfare. No nymph reflects her graceful form in the mirror of Alleghe ; only Alpine and warlike scenes are pictured there.

CHAPTER IX.

THE CONQUEST OF THE ROCK.

MONTE MARMOLADA.

THE two excursions which we planned have as their starting-point the village of Caprile.

It is there we have to betake ourselves first. The village of Caprile is very large in itself, but contains only a few civilian houses. The bulk of the population is composed of soldiers, and by far the greater part of the dwelling-places are military encampments. One sees here again, but to a greater degree than elsewhere, types of those vast concentrations which it was necessary to establish for the troops, and where cheerfulness and courage are the order of the day, though they are full of men who are threatened with death—men who are on their way at every moment to the scenes of desperate battles or returning from them. Here are workshops, military stores, parks of munitions; even shops, where civilians have stored their little wares. Here, also, are inns, in which congregate bersaglieri, with their red fezes; Alpini, with their embroidered yellow horns, and with pointed peacock feathers in their felt hats; and other soldiers from the front, with their blue helmets on their heads. There are little wooden barracks, roofed with the branches of fir trees—a city of dormitories. And the city has its streets, the names of which one reads on plates, and to each of these names is attached some

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souvenir of Sardinia (the Sardinian Brigade is quartered here). In front of the city is a bright, well-kept garden, where coloured pebbles take the place of flowers, forming beds of mosaics put together with the traditional Italian taste—the style of mosaics of the churches for which this race is so famous. Here in the garden this ornamentation represents the horn of the Alpini or the Cross in the arms of Savoy. Soldiers, mules, lorries, commissariat convoys, and motor-cars pass along the streets of the village, a cheerful crowd, in which are pointed out to us with special admiration the mountain artillerymen. These brave fellows have carried their little guns on their backs to a height of three thousand metres. We must not forget that already in time of peace they were famed for their strength. It was they who used to present arms with their gun smartly raised to the shoulder like a rifle.

The new road climbs up to a little cluster of wooden houses. This is the village of Rocca di Pietore, in the middle of which rises a slender, dark steeple from a low square tower with two Roman arches, supported in the middle by a column. This building, in a pretty, early Gothic style, with streaks of black stone appearing through the whitewashed walls, is the church. It is an historical monument. We go inside. A kneeling soldier prays before a Madonna. The screen of the high altar is in the German style, of sculptured wood in many colours, with beautiful heavy gilding. The Virgin sits enthroned on the central panel between St. Barbara and

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St. Catherine, and other saints are carved on the side pieces.

Beyond the village of Sottoguda the mountains shut in the valley so closely that it seems impossible to pass between their black walls; but a rent was made in them centuries ago by a torrent of the Pettorina, which flows at our feet and fills the whole of the breach without leaving any banks. Man has turned this torrent to use. He has simply roofed it. It is a wonderful feat. Trunks of trees were thrown across the fissure in the rock, which varies from four to six metres in breadth, and beams have been superimposed on these trunks. We fly along for more than a kilometre on the torrent between two walls from three to four hundred metres high, dripping with the water of innumerable springs.

In winter time, as we are informed by the obliging officer who has acted as our guide since we left Alleghe, the spectacle is extraordinary. "This is the only road by which we are able to bring supplies to the troops on the Marmolada. One has to pass between two green mirrors, all the water which you now see flowing here being frozen and forming walls of ice of more than a metre thick. Sometimes there are blocks of snow wedged overhead at the top of a fissure in the rock; it may be a whole avalanche threatening to fall into the narrow stream. Ah! the avalanche is the great enemy in winter. It is all the more terrible because one feels powerless before it. Do you know that an avalanche killed more than seven hundred of our men out of a single brigade

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and buried a whole battalion in one moment? The firing of a gun up there is sufficient to set one in motion. The gorge of the Campo d'Arei will presently come within your view. Sometimes it has happened that two great avalanches have become detached at the same moment from two opposite mountains and been hurled against one another as they reached the valley. Woe to the man who is caught between them!"

We now enter the gorge. In front of us we see the strange Dolomite formations of huge, arid peaks. Around us are green fields planted with fir trees, amid which our road runs.

This road was not made by the engineers, but by infantry. Useful soldiers, indeed! If kindly treated, an Italian infantryman will do anything you want. He is engineer, Alpino, and bersagliere all in one. He is a hero to whom sufficient justice is not done.

In the Campo d'Arei (which means the King's Field in the Roman dialect spoken here) there are twelve metres of snow in the winter. The troops fighting in this mountain region are sometimes isolated from the rest of the world for weeks together. Therefore, directly the winter comes they are provided with supplies for sixty days.

The huge rock which we see in front of us on the right, like some grim wall built of irregularly shaped pillars, forms the group of the Marmolada celebrated in Roman song:—

*"O Marmolada, tu es bella, tu es grana,
Fina in pes e forte in verra."*

"O Marmolada, thou art beautiful, thou art majestic,
Lovely in peace and strong in war."

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The song speaks true—this mountain is a fortress; and what a fortress! The Italians occupied the whole of it after a terrible struggle. Of the men forming the first companies who drew themselves up to the summit by ropes, three-quarters were frozen; but they seized every inch of the ground. They hoisted guns and men on to the Pizzo Serrauto, 3,875 metres high. The position is now served by a funicular railway, the loaded wagons of which we see in the distance on climbing the mountain. This railway ascends in three stages from seventeen hundred to three thousand metres; but when the position was first occupied there was no railway, and the guns were carried up on men's backs! . . .

We gaze with emotion at the summit of Monte Marmolada, enveloped in the clouds. The miracle of the Italian war is brought home to us again in a concrete form by the vision of this great expanse of mountain. Every peak is stained with blood. Each one of these fortresses of rock has been the scene of a desperate struggle. It was necessary to return a score of times to the attack, and sacrifice as often whole companies, before a footing could be obtained on a single ledge; and then begin all over again a hundred metres farther on. Not only special regiments—Alpini and bersaglieri—have taken part in this rough warfare, but soldiers of the regiments of the line. "We are all Alpini now," said an infantryman, with a smile. And amongst those who showed the greatest bravery in the attack, and were best able to resist fatigue and privations, who became

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the best inured to storm and cold, the soldiers of Sicily and Naples have won distinction. These men from the sunny South were the first to conquer the winter, the first to triumph over the mountain.

Patience—this is the virtue which the Italians have revealed to an astonished world in the Dolomite peaks no less than in the muddy trenches of Flanders and Champagne. And patience in this long war will one day be the synonym of victory.

CHAPTER X.

THE WITCH'S ROCK.

COL DI LANA. SASSO DI STRIA.

WHEN, after our excursion to the foot of Monte Marmolada, we descend again in the direction of Caprile, an obstruction in the road causes us to stop for a moment in the middle of the village. The houses—built of black wood, surrounded by openwork balconies, in which are stored the forage for the animals, and firewood—seem to be stifled by their immense roofs. One feels that they have been constructed with a view to the long winters which bury them in snow. Poor village, with its houses at the mercy of an avalanche throwing itself heedlessly down, as witness the wrecks lying there since last March!

But even in these districts exposed to this constant danger, even in this most distant spot of Italy, near the bare Austrian peaks, the proud patriotic faith in the great and rich Fatherland asserts itself. At the summit of a slender column stands the Lion of St. Mark's to show that once the Serene Republic extended its glorious dominion over these regions. This lion of black bronze, no larger than a child's toy, raised on high so that the snow may never cover it—what a bright symbol it is to the eyes of the soldiers who pass along the paths of the Austrian hills, their blue helmets on their heads! It is a noble

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sentinel guarding the little cemetery where sleep, under fresh tombstones, those who have fallen gloriously in the siege of the mountains.

Some of the peaks already bear German names ; that to which we are making our way at this moment is called the Castle of Buchenstein. To reach this point we have to follow a long winding road by the side of the rock. It is white throughout its length, for its construction is scarcely finished ; the stone-breakers, with their red sashes drawn tightly round their waists, have just finished laying it out. We cross woods—lovely woods of firs and chestnut trees—over which are scattered wooden barracks for the troops, while to the left a charming Alpine valley discloses itself with white houses amid the bright green of the meadows and the sombre verdure of the pines.

We have now passed beyond the old frontier.

“You can see that we have done that,” says our officer, “by the ruins of the villages. Wherever the Austrians retire they leave behind them no stone upon another. It matters little to them if what they destroy is Austrian ; look there at those heaps of ruins. There was once a prosperous little town, Pieve di Livinalungo ; they bombarded it as they retired, and notwithstanding the fact that they had left there a hospital full of their own wounded !”

The village of Audraz, which gives its name to the valley, met with the same fate as Pieve di Livinalungo. We turn our eyes for a moment to a spot where the green gorge grows narrow, and see

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a group of crumbling houses with their tottering and blackened gables showing where the shells have burst.

The guardian saints of the district are St. Christopher, St. Roch, and St. Sebastian, who are there to ward off accidents, scourges, and calamities. Can these innocent, pious people, who engaged the artists to represent the images of these saints in fresco on the walls of the churches and chapels on the roads, have foreseen the war of to-day—a war more terrible than the plagues and famines of old?

At each of the numerous turns of the road which we are following stones have been piled up to a great height, kept together by the trunks of trees.

“This is done,” said our guide, “to protect the convoys against the enemy’s fire. The Austrian guns bombard this road as well as the valley itself. If we lean over we shall see many traces of the shells on the mountain side. On the summit of the Col di Lassa, to which we have now climbed, the new road joins another worn by time and use. It is the famous road of the Dolomites. The Italians have conquered it almost in its entirety, bit by bit. They would have to carry also the Folargo Pass and the Sasso di Stria before they can make full use of this means of communication, so essential to the carrying out of their operations.”

We ascend on foot to another point yet a little higher, where there is another turn in the road, and whence we look down on another valley. In

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front of us rise mountains with rounded peaks, which appear in the distance to be on different levels: that is the Col di Lana—one of the points in the mountain warfare where the struggle was the bloodiest and the most desperate.

These peaks have their geographical names. They are mentioned to us, but they slip our memory. But those which bear humorous names or names with glorious or tragic associations—names given them by the troops now stationed there—fix themselves in our minds, such as the fortress of *La Marmora*, so called because it was carried against the enemy by the bayonets of the bersaglieri; or *Napoleon's Hat*, from its peculiar shape; or *Mount Panettone*, on account of its resemblance to the large loaves of that name which they make at Milan; or, lastly, the *Valle della Morte*, recalling the dead bodies which rolled down there in hundreds.

The sight of those dark peaks, on which so many lives have been sacrificed, as on the altar of the Fatherland, is a tragic spectacle, even on this day of sunshine and silence.

“We carried the Col di Lana,” said the officer, “and we shall one day conquer the Sasso di Stria, which you see over there on your right. That line, showing dark on the light surface, is their line.”

A white wall, stained with dark-red streams, with dark ridges on the surface which seem to cleave the clouds—a perpendicular wall, inaccessible, even if no human agent were there to hurl down the climber—this it is which the Italians

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are now preparing to conquer with that cheerful perseverance which the least success increases tenfold and no check can diminish. They are preparing to conquer it in battle, exposed to the fire from above at a spot where stones and snow are themselves murderous projectiles, and wind and winter are implacable enemies. It is as though they had to overcome a coalition of determined diabolic spirits; and this white and red-stained rock, standing up in the now misty sky, bears a name which the soldiers will have no need to change, so absolutely is it in harmony with this demoniacal war—the Sasso di Stria or Witch's Rock.

CHAPTER XI.

THE HEADLESS MOUNTAINS.

COL DI LANA. CASTELLETTO.

THIS strange region of the Alps has been the scene of strange military operations. Their conception and realisation have only been possible owing to the slow progress of this war, which distinguishes it from that of former ones, to the means by which it has been found possible to adapt oneself to new conditions and to the special skill of the Italian workman in constructing mines and piercing mountains. At times, when unable to overcome the resistance of the enemy by artillery fire or infantry attacks, the Italians have had recourse to the simple expedient of destroying them by the explosion of mines. The incident of the Col di Lana is one of the most characteristic examples of this unusual strategy. To make sure of the definite occupation of this height and diminish the sacrifices which would result from an assault, the idea was conceived of making the attack underground. The credit of this conception is, we believe, due, in the first place, to Gelasio Caetani, son of the Duke of Sermoneta, and thus a descendant of one of the greatest Roman families. This did not prevent him from interesting himself in the most practical forms of modern industrial activity, which he studied closely in the New World.

When he proposed to blow up the Col di Lana,

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the project seemed too bold and rash to the military authorities, who refused at first to give the order for its execution. But the lieutenant insisted, sustained by the confidence which he had in the special qualifications of the Italian workman. The works were continued for six months; an enormous gallery was dug in the rock, ending in a chamber, which was filled with explosives; and on the 18th of April, 1916, the summit of the mountain was hurled into the air, burying in its debris the Austrians, who thought themselves masters of it. A curtain-fire from the only path by which the enemy might have approached to deliver a counter-attack prevented him from recovering the position, and the Italians were even able to add to their victory by the conquest of Mount Cief, to the north of the Col di Lana.

Told on the spot, the details of this extraordinary episode make a more direct and vivid impression. And later on, in a hospital of Pallanza, how apt was the description given us by a young Sicilian, with flashing dark eyes, who was wounded on the Col di Lana, of the varying events of those days, of the hideous tumult following upon the explosion! How strange it seems that in these almost inaccessible solitudes of the Alps war should disfigure the unchanging outline of the mountains!

The success of that operation induced the General Staff to repeat it in order to extend the conquest of the Dolomite road—the celebrated Dolomitenstrasse. It is well known that this

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admirable road was built by Austria entirely on her own territory in order to unite Bolsano (Bolsen) to Toblach on the great Vienna line. Roughly speaking, it goes from west to east, perpendicularly to the valleys of the Boïte (where Cortina d'Ampezzo lies) and of the Cordevole, which comprises Caprile and Alleghe. We must bear in mind these geographical points to realise the necessity which the Italians were under of occupying this direct line of communication between the valleys. As long as this communication was not possible, it was necessary, in order to forward reinforcements and supplies or even for the simple transmission of commands or information from the higher extremity of the valley of the Cordevole to that of the Boïte, to descend the whole length of the first of these two valleys and climb the other—that is to say, to complete a journey of nearly 200 kilometres.

The Castelletto still remained one of the points by which the Austrians barred the Dolomite road. The Italians were masters of the Tofanas—neighbouring peaks in the form of towers, seen from Cortina d'Ampezzo. But although the Castelletto was on a lower altitude than the Tofanas, it remained invulnerable, for it lay in such an angle that no artillery fire could reach it, and its walls on the Italian side were absolutely perpendicular for several hundreds of metres of its height.

It was decided to overcome the difficulty by means of an explosion. A gallery, 240 metres long, was cut in the rock, starting from the walls of the Tofana Prima. It had its entrance near

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the Hill 2300, rose at an angle of 45 degrees, and ended at about 26 metres from the summit in a room in which were placed 34 tons of gelatine. It was thus one of the most powerful mines ever recorded in the history of industry. The preparation required four months ; but it took almost as many, before the work was started, to construct military roads for the transport of the material, to build barracks for the workmen and the sentries, and to set up the boring machinery worked by compressed air, etc.

When all was ready, artillery was placed on the neighbouring heights ; two 210 mm. howitzers were hoisted to the Torcella di Fontanalegno, two 149 mm. mortars and two 75 mm. cannons to the Tofana Terza, another to the Tofana Prima, and two to the Cinque Torri.

When one sees these abrupt rocks, with their strangely constructed towers and fortresses standing out against the sky, one looks with wonder on these fabulous exploits of the Alpini.

During the night of the 11th-12th of July, 1916, a match was applied to the train of the mine. The air was rent as by an earthquake of appalling dimensions and the Austrians were annihilated. At the same moment, the guns on the heights opened a barrage fire, and the summit of the Castelletto was seized by three assaulting columns, which had been waiting in readiness at the foot.

The Austrians appear to have been warned of the danger threatening them, and to have endeavoured to dig a counter-mine ; but it was too late. What a drama was enacted during those few

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days of suspense when the unknown was felt to be approaching in silence ! What themes for marvelous legends in this country of the weird mountains !

Is it possible to believe that men had to decapitate the Alps before they could vanquish the enemy ?

CHAPTER XII.

A VISIT TO THE MAKER OF THE ROADS.

WE had the honour of meeting the man on whose shoulders principally falls the task of overcoming the mountains—General Count Robilant, who commands the Fourth Army (the Army of the Peaks).

It is unnecessary to record the name of the town in which he has established his staff. We need only mention that this town reveals, in the architecture of its palaces and houses, the influence of Venice ; this is not disclosing the secret, for all the towns in this district have the Lion of St. Mark surmounting a column in the principal square, and all the edifices are in that elaborate Gothic style which the Serene Republic created by fusing the forms of eastern and western architecture.

The *Comando* is established in a vast building, which seems to exaggerate the silence and peacefulness of the little provincial town. Some dragoons on guard salute us as we pass. We mount the staircase. We reach a bright ante-chamber with a parquet floor, the business character of which is enhanced by the only noise which breaks the silence there—namely, the sharp and irregular tapping of the typewriter. We are greeted by the officers in a few words, pronounced in a low tone, and are then ushered by them into the presence of the General. The

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room in which His Excellency Count Robilant prepares his plans of offence and defence is hung with red damask. Its gilt furniture is of the style of the first Napoleon. A modern-looking writing-desk clashes with its old-fashioned surroundings ; it is covered with maps, as is also a large table standing in the middle of the room. A window opening on the street admits the peaceful atmosphere of the little town.

Here it is that the astonishing works which we have witnessed are decided upon. Here is conceived the plan of the roads which are carried to the foot of the mountains, and then pierce and conquer them, thus assuring the success of the military efforts which only become possible owing to the previous efforts of the engineer. However great has been the initiative of Count Robilant in the construction of these roads of which he is justly proud, we must admit that he has only acted in obedience to the counsels of his ancestors, and the reason why his orders have been carried out with such rapidity and completeness is found in the circumstance that they were in harmony with the immemorial traditions of the race.

Road-building won for Rome, in greater measure than anything else, her reputation as a civilising power. Wherever her legions extended her dominions, she built these admirable ways of communication, the utility of which has not diminished with the lapse of centuries. With spade and pickaxe, Rome made her way through forests and plains, and caused her higher culture to penetrate the homes of barbarians.

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And to-day the Italian has taken up the pickaxe and the spade again to defend himself against the barbarian. The pickaxe and the mine, which conquer the rock, the spade and wheelbarrow, which transport the soil, are tools which arouse in him a natural instinct enabling him to discern the work he has to accomplish. The necessity of the day has turned these peaceful implements into arms which contribute to win the victory no less than the sabre and the rifle.

Modern Italy has not forgotten the genius of ancient Rome for the building of roads. For fifty years she has sent out her workmen to all parts of the world to carry out the most important public works. She has developed an army of excavators, miners, borers of tunnels, and piercers of isthmuses—men full of experience in these works. These are the peculiar aptitudes of the race—qualities which they have inherited from their ancestors—and in the hour of danger the men who possess them were found ready and eager to bring them into play.

As Count Robilant converses with us, we notice his white beard cut to a point, his heavy moustache, his finely-chiselled nose, and his green eyes behind his glasses. He speaks in excellent French (he has a great reputation as a linguist) of his troops and his projects. He refers with a smile on his face to his past successes and those which he will achieve in the future. Bending over his maps, he points out to us the peaks of the Tofanas recently conquered, and recounts in detail the episode of the Castelletto, illustrating it with

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photographs, and showing us, one after another, the gallery bored in the rock and the cleft which was unfortunately discovered in the middle of the work and had to be filled in ; the store-room for the explosives ; next he shows us the rock subsequently to the explosion, which buried an entire Austrian company while digging the gallery of a counter-mine ; and, lastly, the crater, in which the Alpini immediately established themselves.

This was no great victory, of course. It had not the importance of a great battle, nor one to be trumpeted abroad by the Press. But it was a notable success, which may be added to so many others of the same kind, and a just reward of the extraordinary labour and skill by which it was achieved ; and it gives a clear idea of this mountain warfare, where perseverance is indispensable and only gradual progress can be expected.

The General's explanations enable us better to appreciate the importance of this continued offensive. A moment may come when these daily operations will have magnificent results.

Count Robilant is especially gratified by the praise which we bestow upon his mountain roads. He is pleased that we should understand that this work in the rear of the army was indispensable in order that those who are fighting may maintain their positions and make further progress.

"Mark well our roads," he says, as we take leave of him ; "they are the paths that will lead to victory."

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A VISIT TO THE MAKER OF THE ROADS

We looked at them with growing admiration. One of them rises gracefully to the Pelmo—a majestic mountain—and descends on the other side, with a bold and picturesque incline, towards the valley of the Piave. This, as yet, almost untrodden path winds like a white ribbon round the rose-coloured peak, standing out against the blue sky and snowy clouds, through Alpine landscapes, which alternately charm the eye by their softness and inspire awe by their grandeur. The eye can rest on no more beautiful mountain than the Pelmo Peak. Its formidable mass rises sheer towards the sky, surrounded by towers and steeples like some colossal mansion. If the Italians had the hundredth part of the advertising spirit of the Swiss, this mountain would be as famous as the Matterhorn. As we descend amid the numberless wonders of the Fionatina Valley, it occurs to us that this glorious country must find a new fortune through the war. Nature has adorned it with exceptional charm, and the war has given it excellent roads. There is no spot in the world better fitted to become a large tourist resort. When American curiosity brings again to Europe some of the dollars with which their purses are filled there, we hope that it will attract them to these parts. If proper steps are taken for this purpose—and associations, such as the Italian Touring Club, are sufficiently influential to ensure the success of an enterprise of this nature—the New World will soon have reimbursed the expenses which these military roads have necessitated. Switzerland can boast of nothing

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more calculated to excite the enthusiasm of travellers, in the form of summer excursions or winter sports, than the beauties of the Alps, of the Cadora, or of the Dolomites. And the generous blood which has flowed there has hallowed the spot.

But these are projects of the future. For the moment, the new, perfectly white roads—the roads in the valleys or on the heights, the roads which pierce the mountains here and there—are the active agents of success. The enchanted mountains are already vanquished.

CHAPTER XIII.

THE VALLEY OF ARSIERO.

TRENTINO.

HENCEFORTH the charming city of Vicenza will have to celebrate the 25th of June as a great and glorious anniversary. On that date the inhabitants will fly the proud colours of the national tricolour from the balconies with their Venetian windows and from the noble façades of the palaces, in memory of the day when the soldiers of Italy rescued their town from the barbarians. The 25th of June is the date of the Italian counter-offensive, which victoriously repulsed the Austrian attack.

After climbing the mountain, which ends in the crest of the Colletto, one looks back on enchanting scenery in the valley below; it is a landscape of rich meadows, orchards, and vines, with a bright and busy little manufacturing town—Schio by name. The initiative of Senator Rossi has made of it a centre of great importance for the manufacture of woollen cloths. The fertile plain stretches away beyond it. Seventeen kilometres farther lies Vicenza, whence the vast Venetian plain extends itself again. The Colletto is the first mountain peak of modern Italy. It also marks the limit of the Italian retreat during the offensive of the Archduke Charles and General Conrad von Hoetzendorf.

On the Novegno, which is immediately behind

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the Colletto, to the west, an Austrian company gained a foothold for a brief moment. From its heights they had a vision of the plain, with its villages, its orchards, and its crops. It seemed as if they had only to descend the slope of the mountain to penetrate into the heart of this fertile country. Victory must have appeared to them in the form of rich booty ; for no doubt the imagination of these soldiers, excited by the intoxicating spectacle, saw, as though in a mirage, the green Adriatic and the domes of St. Mark. The whole extent of this plain, with its corn, its maize, its grapes, its towns, and its women, seemed to be ripening in the powerful sun in order to enrich their victory, and for no other reason. The company on the Novegno passed an hour of intoxication similar to that experienced by all the proud barbarians who have climbed to the summit of the mountains and seen Italy, bathed in sunshine, at their feet.

But the barbarians are to-day very far from the Novegno, very far from the Colletto, and the plain is saved. It owes its safety to those who, by maintaining the positions occupied by the Italian Army in the valleys of the Adige—the heroes of the Passo di Buole—and of the Brenta, enabled the strenuous defence of the Monte Ciove and of the Colletto to be carried out with full effect.

From this crest one is not yet able to overlook the valley on the other side, to the formation of which it contributes, on account of the trenches, with their parapets, which, extending the whole length of the summit, cut off the view ; but all

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around one sees traces of the battle. The 305 mm. Austrian shells have ploughed up the whole of the grassy and thickly wooded slope. There it was that the Italian artillery, being under the observation of the enemy on the higher summits of the Priafora, was subjected to a murderous fire. We were shown a hole, dug by a shell, at the very spot where a gun which had been placed there was carried away by the explosion and embedded in the soil fifteen metres farther on, and found intact in that position. We were also shown a small cross commemorating the fact that all the men who were serving one particular battery were annihilated in that place together with their guns.

But the principal defence of the Colletto was maintained by means of a number of guns hidden in caverns. We reach these caverns through a dark, damp passage. In the first we notice a gun with its muzzle peering through a round loophole bored in the rock itself. We pass into a second, adjoining the first. There is another loophole there; but of the cannon nothing remains but the carriage; the gun which had rested on it, and which fired down into the valley and on the mountains, was finally struck with great force and broken in pieces after a hundred shots had been fired at it without any of the shells having effect, beyond producing a hundred large rents in the rock.

We creep inside the loophole. The walls—built of concrete—are wide enough to hold several persons at the same time; and from this point of vantage we are able to see the ravine of Arsiero

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immediately below us, at the foot of the precipice.

This gorge is at the point of junction of two valleys, that of the Astico on the right, and of the Posina on the left. Each of them extends along the side of the mountain, which forms the main feature in the landscape; it is Mount Cimone, which is covered with green foliage to a height of 1,000 metres, beyond which are 250 metres of sheer rock, as barren as a wall. The Cengio rises in a black mass to the right of the Astico, whilst to the left of the Posina a chain of heights, including the lofty Priafora and the Ciove, is linked with the flattened ridge of the Colletto, on which we stand at the present moment.

It is a fine mountain landscape, the silence of which is broken from time to time by the prolonged echo of the cannon. The rays of the sun, falling on the sides of the mountains bathed in vapour, causes them to glitter and flash like blocks of mica. But the Arsiero ravine—at the bottom of these hills—lies in a deep silence; there is no sign of life. Again we feel this tremendous silence in the heart of the war—this silence which is more than peace. The tranquil scene is varied by shades of blue and green. Here and there are meadows with clumps of trees and houses. At the entrance of the Valley of the Posina is seen the bright, gay little town of Arsiero. Behind it was a group of factories, all traces of which have been completely obliterated. Near to us—almost at our feet—lies the village of Velo d'Astico, bearing the traces of a violent

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bombardment. All that remains of it now are ruins grouped round a headless campanile.

From where we stand the lines of the Italian defence are clearly visible. They follow the crest of the Colletto, which is outlined by what appears to be a red-stained stream, and is in reality the rusty barbed wire in front of the trenches. They extend thence to the Ciove and, farther still, to the Pasubio. Had the Austrians forced this line, they would have marched on Vicenza.

A single glance at the scenery makes it clear how critical was the situation, which, indeed, some considered desperate. If the Austrians had succeeded in carrying Mount Ciove they would have threatened with their artillery not only Schio and the roads leading to the Colletto, but also the communications with the Pasubio, the defence of which would have become almost impossible. And in retiring from the Pasubio, the Italian troops would have exposed the fortifications of the Arsa Valley.

The soldiers understood this, as we understand it ourselves to-day. And so they remained firm on Mount Ciove, using energy and supporting sacrifices to the limit of human power. Exposed to the fire of heavy guns and mitrailleuses, they heroically defended this key to Vicenza, realising that that alone would open the gates of the town—the gates of Italy itself. For ten days they sustained the gigantic struggle and under appalling conditions; and we must not forget that not only had munitions and provisions to be carried to the combatants, but every day 450,000

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litres of water had to be conveyed to the summit of the peaks for men and mules.

It was this obstinate courage which assured the victory of Italian arms in the Trentino. Whilst the wings were pressing hard on the flanks of the Austrian Army, the centre remained unconquerable; and one morning the enemy's troops blew up the bridges and fortresses, and retired, pursued by the Italian soldiers.

These men were admirable in the defensive, and performed wonders in the offensive which followed; the Cimone, which rises to a barren peak in front of us, bears irrefutable testimony to the miracles achieved. The Italian infantry made an assault at 250 metres from its summit. Planting supporting bars of metal in the stone, metre after metre, the heroic soldiers climbed to the top and carried the crest, leaving behind them the wall of rock streaming with their blood.

And now, on high, floats the victorious green, white, and red flag, bearing witness that the plain has been well guarded; and Italy is henceforth safe.

CHAPTER XIV.

A NEW THERMOPYLÆ.

PASSO DI BUOLE (TRENTINO).

AMONG the many places which were unknown yesterday and to-day are famous, having sprung into a sudden celebrity since the war began, the Passo di Buole had a special attraction for us on account of what had been told us about it. It is an extremely lofty col in the chain of mountains which separates the Arsa Valley from that of the Adige. During the Trentino offensive the Austrians directed a furious attack against the Italian troops on Monte Cogni Zugna, who constituted the left wing of the defence. They succeeded, with great difficulty, in causing them to fall back slightly, and concentrated their efforts in a desperate attack on the Passo di Buole, by which they hoped to extend their front to the valley of the Adige. At least twenty separate assaults were directed against it, often with considerable forces, and with a bravery and perseverance which it is impossible not to admire; but the resistance was equally brave and determined. Thousands of Austrians now sleep on the wooded slopes of the mountain. The impetuous onslaught of the imperial Jäger was broken by the indomitable courage of the Alpini stationed on the peak. In spite of furious and repeated assaults, in spite of their exposure to artillery fire from higher positions in the distance,

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in spite of their isolation from the rest of their troops on this front, the little company which had been entrusted with the protection of the pass did not waver for a moment.

When their officers warned them of the progress of the enemy offensive, of the gravity of the crisis, and of the responsibility which the circumstances threw upon them—"My children, Italy is in peril; she looks to you for her safety!"—they fought like lions, and sacrificed their lives without a murmur. Out of a thousand men, seven hundred fell on those heights; but the Austrian advance was arrested.

The story of the deeds which took place there is not less glorious than that of the heroism of the Greeks at Thermopylæ. When historians shall have told them in detail and exalted their glory, the soldiers of Italy will, indeed, be ranked with the heroes of old.

We desired to visit these Homeric sites. To reach them we have, starting from Vicenza, to follow a long road which winds upwards through magnificent old chestnut trees. All along it we see signs of military operations—lorries, mules, motors pass without interruption. At the inn of the Dolomites—now deserted—we are already able to see some of the effects of the Austrian shells. Farther on, at the Osteria Strava, we pass over the old frontier, and find ourselves once more on territory which belonged to Austria. The activity is still greater here on the road; and under the trees soldiers are encamped. The gaping shell-craters look like brown stains on the

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meadows. We now make our way down again to the Valley of the Arsa; but we are obliged to proceed with caution, for the road has been bombarded again within the last few days. A bridge called the *ponte delle prigione* is particularly exposed, and a rampart of sandbags has been built up on it to conceal the traffic. We pass over it hastily. At Piano we have to abandon the motor, as it is too conspicuous, and climb on foot through the bushes to a carefully concealed post of observation.

From this post the whole of the valley is visible to the point where it joins that of the Adige. At the bottom of it is the little village of Chiesa, where there is no longer a living soul—nothing but desolate ruins. The white church is completely gutted; its roof has been carried away, and one of the walls is pierced and riddled with bullets. All around, the little houses have lost their roofs.

And we are struck again, as we stand before this vast extent of country, which has been the scene of the severest fighting, by the silence and solitude now reigning there. Everything in that valley is motionless. From time to time we hear the booming of the cannon in the distance, its dull, resounding echoes succeeded by little white puffs of smoke, which evaporate in the air, or we see the earth thrown up around a shell; for the Austrians bombard, at intervals, these villages and deserted fields without any apparent object. And then all is calm and silent again.

The Passo di Buole is in front of us, at the

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other side of the valley. It forms a slight depression in the chain of mountains, so slight that the col itself stands out as a peak. Little trees cling to the slopes, and above everything is singed and devastated by the artillery fire. Rows of white pebbles which fall from it mark the bed of a dried-up stream.

This mountain looks like many others which we have already seen ; and, indeed, this Monte Corno, which is shown us on the right, has no special character of its own. But we have only to think of the battles of the Passo di Buole or to remember that it was on Monte Corno that Battisti fell, to realise the tragic associations of these mountains. No doubt Thermopylæ has rocks in no way different from many others ; but the blood which was spilt there has for centuries made them ennobled spots, and no true lover of glorious deeds or of ideals can think of them without emotion.

At the moment when a soldier is offering us a bouquet of sweet-smelling cyclamen, which he gathered whilst we were looking at the scenery, the guns boom again with sharp, dry sounds, quite close to us. This time it is our allies, who are pursuing an aeroplane, which rises rapidly to escape the shrapnel, and is soon nothing more than a black speck in the sky.

CHAPTER XV.

THE IRON GATES OF VERONA.

THE VALLEY OF THE ADIGE (TRENTINO).

THE outer defences of Verona consist of a line of forts established on the first heights which meet the eye as one proceeds from the town in a northerly direction. At the outset of the war the Italian military authorities took the precaution of extending these defences towards the north, occupying, after unimportant engagements, the heights situated in Austrian territory, with the result that, at the present moment, the farthest point of the Veronese defences lies in the little village of Ala, in the valley of the Adige.

It is with a view to visiting these defences that we leave Verona in the company of General Giorgio Bompiani, who himself organised them, and is anxious to show them to us. This, again, is all the more pleasurable to us because the General is not only an expert in the actual conduct of war, but an intelligent exponent of the military art. He was for a long time the military critic of the *Corriera della Sera*, and distinguished himself by writing for this newspaper a series of articles on the African campaign. The clear and simple manner in which he expressed his views rendered these articles most valuable as an instructive course.

After traversing a somewhat lengthy path in the Veronese plain we penetrate the valley of the

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Pantana. This valley is one of those which descend from the Lessini mountains and extend themselves over the plain somewhat like the fingers of a hand. A little farther on we climb between the Modi Valley and the Anguilla Valley in the direction of the village of Erbezzo, at a height of 700 metres. This is a smiling landscape of gentle slopes ascending in wooded or cultivated terraces ; from the summit a fertile table-land is seen rolling away into the distance, and here and there a bright little town. Higher up, the valleys are adorned with extensive woods of chestnut trees, full of fruit, in the shade of which little villages seem to nestle. The road beyond has been cut in the rock itself by the military engineers. The tints of this rock are rich and warm, ranging from flesh-pink to blood-red ; it is Veronese marble, of which the churches of the town of Scaligeri are partly built.

The weather, which was very rainy in the beginning, now seems to be improving. The sky clears, and when, at Erbezzo, we descend from the carriage to visit the officers of the Staff, a gleam of sunshine lights up the Lago di Garda beyond the mountains which form the right bank of the deep valley of the Adige.

We leave Erbezzo. The scenery grows bleaker. It consists of large broadly undulating grasslands, where a few herds chew the yellow cud. These meadows are pierced here and there by large round holes, full of water. They are known locally as the *pozze morte*—the dead pools. Rocks, like low towers, rise up from the grass, fretted

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into strange shapes by the elements and grouped in twenties. In the folds of the ground charming clumps of chestnut trees are occasionally to be seen. Everywhere are the signs of extensive works—trenches, barbed wire, bastions, and gun emplacements.

Suddenly the rock comes to an end, and an abyss opens beneath our feet. Here were constructed the great military works, the mountain being a fortress in itself.

At the moment, however, we see nothing of these heights, which have disappeared in a slowly moving sea of white mist. The peaks of the Coni Zugna and of the Zugna Torta, and the hollow formed by the Passo di Buole, can only with difficulty be pointed out to us; but at our left, behind the deep valley of the Adige, the massive shapes of the Baldo chain and Mount Altissimo are more clearly distinguishable, and in the distance a fortunate ray of sunshine lights up the sparkling glaciers of Mount Adamello.

We now leave the white chasm to follow the line of another range. The newly constructed military road zigzags upwards continually to a point where it is necessary to abandon the motor and mount on horseback in order to reach a place far up the valley of the Adige.

We ride through a landscape of woods, meadows, and groves of chestnuts already tinged by the red of autumn, and enveloped in a thick fog. At last we stop and dismount.

Miners receive us at the entrance of a shaft which reminds us of the *bouveaux* of our Walloon

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collieries. They are carrying their little lamps, and these gleams of light guide us through the moist darkness. Subsidiary galleries have already been started; workmen are labouring at them, and we can hear the noise made by the mechanical drill as it bites into the rock. We walk 200 metres, and then an opening in the rock discloses itself. And in that opening, its black shape outlined against the grey sky, stands a piece of artillery—one of the guardians of the Adige.

When we are standing upright in that huge loophole we see nothing at our feet but a perpendicular rock, and in front of us, towards the left, the grey surface of another wall. Between the two flows a stream of white vapour, uniting with another, which marks the valley of the Adige.

Whilst we are regretting the bad weather, the sun rises and disperses the clouds. The mist rolls back from the valley in great waves, and the river is suddenly unveiled.

The river is a green twining ribbon; the landscape is divided into squares of well-tilled fields. On the bank of the stream lies the small town of Ala, and a little farther off, on the other side, the village of Picante. More distant still, in a bend of the valley, is Serravalle—now occupied by the Italians—and beyond a few white specks. Can they be the first houses of Rovereto? We have not time to make sure. Through that loophole, leaning on a cannon levelled at the valley, we have a momentary glimpse of the road to Trent, squeezed between the mountains, amongst

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which the Baldo, the Altissimo, and the Vignolo, which have now been won by the Italians, stand out in the foreground ; whilst in the far distance the shining Adamello and the Austrian Stivio spring into view. But already the mist is spreading over the countryside, and the cluster of valleys is now nothing more than a moving sea of white vapour.

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Verona wears its customary air of animation. There are perhaps a few more soldiers in evidence than in normal times, and also more pretty and alluring young women in new clothes, which bear witness to rapidly acquired wealth. Oh, beautiful daughters of Verona ! What damage you must have inflicted on warrior hearts ! For a printed notice affixed to the doors of a church solemnly adjures you in the name of God and of your country, to be modest ; it impresses on you that effeminate soldiers are useless as fighters. We are much interested in this display of patriotic zeal on the part of the clergy.

This evening the Piazza della Erbe has timidly closed the huge parasols of its market, and piled up the baskets of vegetables and fruit. The wind is swirling through the town, and the storm is threatening ; already, long streaks of lightning flash in the sky. . . .

Nevertheless, in spite of the storm, in spite of the war, the city of the Scaligeri retains its charm. Though bruised and a little frightened in its battle array, it still wears an air of elegance. The great Can, who laughs so heartily on his armoured

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steed, is hidden from our eyes, as are all the other statues surrounding him in the proud and rugged tomb of his family. The warfare of to-day has obliged that warrior of yore to wrap himself up like an invalid. He is protected by a pointed dome of zinc.

The knights of bronze, though certainly most inoffensive at the present time, are none the less threatened ; blind and treacherous death, falling from the sky, awaits them as well as the soldiers of flesh and blood.

In the churches we find that sandbags and queer barricades have transformed the elaborate churches into rough fortresses, though the pavements are full of kneeling soldiers and women whose faces are buried in their hands.

Let us return to the market-place. The wind, which has grown more violent, threatens the upright umbrellas and the piled-up baskets round the column of San Marco. The iron chains of the pillory, which used in former days to bind malefactors and criminals as a salutary warning, are made to creak, and a garland on the front of a house rustles with a sound of dead leaves. The answer which we were seeking is there, inscribed over the arcade of this market-place where the storm is raging ; it is that the war, which has caused the swathing of the statues and the barricading of the altars, has killed, by bombs thrown from the sky one brilliant morning, twenty-nine civilians who, like ourselves, were wandering through this market-place, with its fruit and flowers.

CHAPTER XVI.

BLESSING THE WOUNDS.

AT Cormons, the day after the taking of Gorizia, we saw a poster, in the national colours, with this threefold inscription:—

“Let us rejoice over the new triumph of Italy.—Bless the wounds of the brave.—Bring gifts and flowers for those who have been wounded in the cause of civilisation.”

This notice expresses a feeling which is very general and very intense throughout Italy, that of respect for the wounded soldier. Not only is he well taken care of, but he is treated with deference and held in honour. All are conscious of their obligations, and strive to express their gratitude with humility. Relief for the wounded is admirably organised. From the field of battle, where the wounded man is picked up with all solicitude and brotherly devotion, to the field-hospitals, where he is given first-aid; to the motor-ambulances, which take him to the railway stations; to the hospital trains, equipped for long journeys; to the base hospitals; to the convalescent homes; and to the establishments where he is taught a new trade—all these things are arranged with one end in view, that of relieving and healing and restoring to normal life those who have suffered for their country.

We are not doctors, so that it is not for us to estimate the technical efficiency of the ambulance

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service ; we can give no more than passing impressions. We witnessed everywhere these strenuous efforts to relieve suffering, and amongst the wounded everywhere we found the same courageous and exalted spirit.

At the front the field-hospitals are numerous, clean, and well organised. Even in the bombarded villages they exist amidst the ruined houses under the illusory protection of the Red Cross. We saw the stretchers on which, under enemy fire, the soldiers who are unhurt transport a fallen comrade ; we saw the carriages on which the wounded are brought down from the heights, and the huge Red Cross motor-lorries moving slowly over the dusty roads.

We saw, in the stations, whole trains fitted up with beds, a kitchen, and everything which ingenuity could devise for reducing to a minimum the pain and weariness of the journey ; and amongst the feverish patients lying in their little white cots or those who, with bandaged heads and arms in slings, were able to sit up, we rarely saw a sad or reproachful face.

We were able to come into closer contact with the wounded in the excellent hospitals of Florence, Rome, and Milan. We talked with them and with those who attended them. Their nurses are heroic examples of humble patience and boundless devotion. The ladies of Bologna, for example, offered to allow pieces of their skin to be peeled off when grafting was recommended by the doctors.

We were in Rome, at the hospital established

BLESSING THE WOUNDS

in the Queen-Mother's palace, on the 24th of May, 1916, when they celebrated the anniversary of the declaration of war upon Austria with an enthusiasm and sincerity touching in those of whom the war has demanded blood and suffering.

We visited, at Turin, the hospitals which French generosity and brotherly sympathy have offered at the shrine of suffering of the children of Italy; we saw, at Pallanza, on the beautiful and health-giving shores of Lake Maggiore, the homes for the wounded, the sick, and the convalescent.

Everywhere we found willing self-sacrifice, cheerful resignation, and desire to go back to the front. From these places, where human misery might have been expected to lift up its voice in cries of anguish and of hatred, we heard only words worthy of an epic, and tales of splendid energy and courage.

At Bologna we visited a magnificent orthopædic hospital, where the soldiers are received in what was formerly a convent — a building on an eminence commanding the village and its two separate towers. Dr. Putti, the superintendent, attired in elegant officer's uniform, explained to us in detail the different methods employed in restoring suppleness and activity to injured limbs. At the same time, establishments for technical training assist in the work of re-adaptation to social life.

All this is ingenious, well conceived, well organised, and appears to carry out its functions perfectly. Throughout Italy the Red Cross is fulfilling its beneficent mission, and its badges

TO THE ITALIAN ARMIES

decorate alike men's buttonholes and women's bodices.

It is the cry of all Italy; it is the ardent, generous, and compassionate soul of this people, still further uplifted by patriotism, which finds its expression in the notice at Cormons: "Bless the wounds of our brave men."

And the second appeal—for gifts and flowers for the wounded—is equally characteristic of the Italian temperament. This warm-hearted people considers that brotherly duty is only half performed unless generous gifts are accompanied by graciousness, by smiles, and by flowers.

3

BRITISH RAILWAYS

AND THE WAR

by
F. A. McKenzie



British Port : British Troops Departing for, German Prisoners Arriving from, the Front.

LONDON:
THE MENPES PRINTING & ENGRAVING CO., LTD.
1917



BRITISH RAILWAYS
AND THE WAR

With the Compliments
of
Professor W. Macneile Dixon
(University of Glasgow).

BUCKINGHAM GATE,
LONDON, S.W. 1,
ENGLAND.



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BRITISH RAILWAYS AND THE WAR

BRITISH railways have played a great and splendid part in the war. Working with depleted staffs under war conditions, they have enabled England to move millions of men and millions of tons of munitions with the utmost rapidity and with an entire absence of confusion. They have met to the full every demand. They have sent their trained workers to the colours by the many score of thousands. They have torn up their lines and given their locomotives and rolling stock for the service of the Army in France. Sinking ancient rivalries, they have come together, working as one for the common good. The Government took control of the lines when hostilities began, but Government control merely provided the agency through which the railwaymen themselves rallied to employ their resources as an effective instrument of war.

The British and German railway organisations before the war presented a striking contrast. German railways were almost wholly State owned. Many of them were built primarily for purposes not of commerce, but of strategy. To the German Great General Staff the railway was one of the foundations of national war preparation. The railway staffs were selected from the Army, and were virtually managed as a branch of

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the central military organisation. The very railway cars were built to a size that could be employed for transporting the maximum number of men. Goods trucks were planned so as to be suitable when the moment came for the carriage of guns and war material.

The British railways were privately owned, and were built solely for commercial purposes. The control of the principal lines was divided between forty companies. These maintained only a minimum of co-operation among themselves, and wherever they ran through the same territory there was keen rivalry. British lines were laid, the size of railway carriages and goods trucks decided, and the staffs selected solely for the ordinary work of peace time. It was the business of the railways to provide for the needs of the communities they served and to obtain a fair return for their shareholders, and nothing else. They were peace lines laid down not where strategy dictated, but where business was likely to be best.

One thing, however, had been done, a thing that was to prove of vital importance when war broke out. In 1871, following the Franco-Prussian conflict, the British Government took power by Act of Parliament to acquire by Royal Proclamation any or all of the railways of the United Kingdom in time of war. A committee of railway managers was already in existence to deal with such a situation. This body, known first as the War Railway Council and afterwards as the

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Railway Executive Committee, was to act as a central organisation, to give instructions, and to co-ordinate the activities of the different railways in war time. Working in co-operation with it was the Engineer and Railway Staff Corps—a volunteer organisation of railway workers whose purpose was to develop schemes, methods, and personnel for the War Railway Service. It was composed of general managers of the leading railways, leading contractors, engineers, and other railwaymen.

Month by month, and year by year, the Staff Corps worked out schemes for the utilisation of our lines under any contingency. It planned how to carry out great movements of troops from one part to the other. Few, if any, then contemplated more than handling bodies of men running into a total figure of from four to five hundred thousand. When, later, the needs of the war raised the total to ten times the old maximum, the plans proved to have been so soundly laid that the greater demands were easily met.

The Railway Executive Committee and the Railway Staff Corps, working in conjunction with the Director-General of Military Transport, gradually completed, during the years preceding the war, their plans of operations. These covered more especially the movements of a British expeditionary force to its embarkation port, the quick concentration of men at any point to repel an invading army, and the evacuation of invaded districts. By 1912 all was in readiness. Every

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railway manager had in his safe a confidential, sealed, unopened document, detailing a scheme of mobilisation. In it he was told exactly what to do, the trains to be moved, their starting-points and destinations, and the entire schedule of running, if war came. So far as the operation of our railways was concerned, England was prepared.

THE MEANING OF GOVERNMENT CONTROL

On the same day that war was declared (August 4th, 1914) the railways of England, Wales, and Scotland—not Ireland—were taken over by the Government. The managers opened their sealed instructions and proceeded to carry them out. It had been provided in the Act of 1871 that full compensation should be paid to the owners for any loss incurred. The Government, however, did not at the beginning announce any terms with the companies. This was left for a later date. Government control, it is important to note, did not mean Government ownership. The lines remained the property of the companies. They retained the management of their own concerns, subject to the instructions of the Executive Committee, and the whole machinery of administration went on as before. The sole purpose at the beginning was to facilitate the movements of troops. But as the war developed, as economy became more and more

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essential, the scope of the Railway Executive Committee, now in supreme control, became greatly extended.

The official chairman of the Railway Executive Committee was the President of the Board of Trade, but the real presiding chief was the acting chairman, Mr. H. A. (afterwards Sir Herbert) Walker, general manager of the London and South-Western Railway. Working in co-operation with the acting chairman were twelve general managers of leading British lines. They were Mr. J. A. F. Aspinall, of the Lancashire and Yorkshire; Mr. Guy Calthrop, of the London and North-Western; Mr. C. H. Dent, of the Great Northern; Mr. (afterwards Sir) F. H. Dent, of the South-Eastern and Chatham; Sir Sam Fay, of the Great Central; Mr. (afterwards Sir) William Forbes, of the London, Brighton, and South Coast; Sir Guy Granet, of the Midland; Sir A. Kaye-Butterworth, of the North-Eastern; Mr. Donald A. Matheson, of the Caledonian; Sir Robert Turnbull, of the London and North-Western; and Mr. A. Watson (assistant to general manager), Lancashire and Yorkshire. The secretary was Mr. Gilbert L. Szlumper. Under the central body were groups of committees, each made up of railway experts. The War Office and the Director-General of Transport were in touch with the Central Committee. There was a constant interchange of ideas, but from the beginning there was no attempt to supersede the railwaymen in carrying out their work.

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The main plans of the war policy of the railways had, of course, to be approved by the Government, and announcements were made in the name of the President of the Board of Trade. But the plan uniformly adopted was for the authorities to tell the Railway Executive Committee what had to be done, and then to leave it to plan the details of how the work should be completed. In other words, the experts were allowed to carry out their own work in their own way, so far as was possible, under war conditions. And they got the thing done. Sir Guy Granet, general manager of the Midland Railway, became Deputy Director-General of Military Railways in the War Office. Mr. Eric C. Geddes, deputy general manager of the North-Eastern Railway, was appointed Deputy Director-General of Munitions Supply; he was knighted in 1916, and made Director-General of Movements and Railways, and Director-General of Communications in France. His history from then is one of the romances of the war. Having done great work on the railways at the front, he moved to the Admiralty, where he shortly became First Civil Lord and a member of the Government. He was succeeded at the War Office by Sir Guy Granet. Sir Sam Fay assumed responsibility in the War Office for the directorate of movements. Mr. Thornton, general manager of the Great Eastern Railway, became Hon. Lieut.-Colonel of the Engineer and Railway Staff Corps, and Deputy Director of Inland Waterways and Docks.

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The first task before the Committee was one calculated to tax its resources to the full. The Territorials—the volunteer forces of the United Kingdom—had been called to the Colours, and had to be distributed to their training grounds and their defence areas all over the country. Simultaneously the Expeditionary Force, numbering 120,000 men, with a vast amount of material of war, had to be transported in a minimum of time to Southampton—the port of embarkation for France.

SEVENTY-THREE TRAINS IN FOURTEEN HOURS

The Government gave the railways a time-limit of sixty hours to make ready for dispatch to Southampton of 350 trains of about 30 vehicles each. In addition, close on 1,200 other trains were necessary for conveying the equipment, munitions, and food supplies of the forces. There were about 60,000 horses to be carried—7 to a truck; there were 5,000 tons of baggage and 6,000 vehicles. Sir Herbert Walker, over whose system—the London and South-Western Railway—the trains had to travel to Southampton, described what was done in a speech shortly afterwards at the American Luncheon Club in London. He told of the Government time-limit of sixty hours. “We ‘delivered the goods,’ as you Americans would say, in forty-eight hours. At Southampton, for practically every day of the

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first three weeks of the war, we handled during a period of fourteen hours no fewer than 73 of these trains, including the running of them to the boat side and the unloading of the full equipment of guns, ammunition, and horses.

“The trains arrived at intervals averaging twelve minutes. It was a matter of special pride to all the railway men concerned—and we general managers give credit for the feat to the efficiency of our disciplined staffs—that practically every train without exception came in to scheduled time. Some of them came from remote parts of the kingdom—Wales and the North of Scotland.”

Among the audience on that occasion was Mr. (afterwards Lieut.-Colonel) H. W. Thornton, general manager of the Great Eastern Railway, a distinguished American railway organiser, who had come to England from the United States. He said that so far as his knowledge of great transportation achievements went, there was no event in railway history to compare with what the British lines had accomplished in that month of August, 1914. Certainly in America, the land of “big stunts,” there had never been anything like it. It may be added that this rapid transportation of the troops to Southampton was only possible because the docks there had been carefully planned by the railway company for the handling of large masses of men and quantities of material. The trains conveying the troops and freight were run right down to one of the berthing stations; they were emptied there with the

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greatest expedition, and at once sent back. Each train had a permanently displayed index number on it, by which it was known throughout its journeys; its exact time of arrival and departure at each place were scheduled, and the schedule had to be kept. What is still more noteworthy is that while this rapid concentration of troops was proceeding at Southampton the ordinary traffic of the railways was maintained with comparatively little alteration. Here and there a section of line was closed for a few hours, particularly sections of some of the junction lines across London; but the general public scarcely realised what was happening. Such precautions were taken that even the elaborate espionage system maintained at that time by Germany in England failed to convey to the enemy full details of what was going on. The British Army had landed in France and was marching into Flanders before the Germans realised where they had landed or what their numbers were.

“The railway companies,” said Lord Kitchener, three weeks after the outbreak of war, “in the all-important matter of transport facilities have more than justified the complete confidence reposed in them by the War Office, all grades of railway service having laboured with untiring energy and patience.”

The terms under which the railways were being taken over for the period of the war were published in September. The Government guaranteed to the proprietors of the railways that their net

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revenue should be the same as in 1913, except when the net receipts for the first half of 1914 were less than the first half of 1913; in that case the sum payable was to be reduced in the same proportion. The entire Government traffic—men and freight—was to be carried without any direct charge being made for it or any accounts rendered. This plan was considered satisfactory by both sides. In the majority of cases there had been a reduction of earnings in the first half of 1914 over the previous half-year, and companies were contemplating a still further reduction. The interests of their shareholders being assured, they were able to devote themselves to the work of economical and efficient distribution, quite apart from the usual financial problems. The one weak side of this agreement was that it made no allowances to cover increased interest payments on account of new investments, new capital expenditure since the war began. This point was afterwards met by an arrangement that the Government should pay interest at 4 per cent. on all new capital invested by the railways since August 4, 1914, on new lines, branches, terminals, equipment, or other facilities put into use since January 1, 1913.

SOME EFFECTS OF COMBINED ACTION

The conclusion of the financial agreement between the Government and the companies automatically brought about a great economy in

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the system of railway accounts. Hundreds of clerks had been employed at the Railway Clearing House at Euston, London, in dissecting payments covering different lines, so that each line should have its proper share. This work was no longer required. The vast amount of competition maintained before the war for traffic at once ceased. British railways, particularly those competing with others for the business of particular towns, had maintained staffs of canvassers not only for freight, but even for passenger traffic. Their competition went so far that, in some cases, if it was announced that a visitor was coming to one of the Midland towns he would promptly receive at his home address callers on behalf of rival railways asking him to buy his ticket by their line. There was still more acute canvassing for goods traffic. All the great companies had extensive publicity departments, which, by posters, pamphlets, and newspaper articles, sought to bring home to people generally the attractions of their lines. In the years before the war this publicity had tended to grow more and more elaborate and more and more costly. Now it was swept away at a stroke. The weekly traffic returns of the different lines were no longer required, and so ceased to be published. The reports of the companies were cut down to a bare minimum, and in many cases even these reduced reports were not sent to the shareholders unless they specially asked for them. The tickets issued by various companies for the same points were made for a time available by the trains of

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any railway running between the points to which the tickets were issued. This concession was shortly afterwards withdrawn.

The great strain of the dispatch of the first Expeditionary Force passed, but it soon became clear that the railways would be faced by a double problem. They would all the time have a vast amount of military traffic to handle—the transference of troops, the carriage of munitions, the assembling of different sections of war material. Simultaneously with this great increase of work, they had a very serious reduction of staff. A number of railwaymen had been called up at once as Army Reservists and Territorials, while many others volunteered to join the Colours. It was estimated a few months after the outbreak of war that 66,000 men, out of a total of 643,135, had joined the Army. This figure rapidly grew, until at the end of 1916 nearly 150,000 men had been released by the railways for war duty—close on 50 per cent. of the men of military age. This shortage of labour quickly grew into one of the most serious issues. The companies had no desire to keep back recruits from the Army, but they realised that it was essential for the welfare of the nation that the railways should be maintained in an efficient manner and be prepared to meet any military demands which might be placed on them. The King, in a message to the skilled workers in the shipbuilding and armament firms, emphasised this latter point in words that applied equally to

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railway workers: "His Majesty greatly admires that spirit of patriotism which arouses in them (the skilled workmen) the desire to enlist and fight at the front, but His Majesty wishes to remind them that by work that they alone can most successfully carry out they are assisting in the prosecution of the war equally with their comrades serving by land or sea."

The Railway Executive Committee, which now was the main body for making financial arrangements, announced that the railway companies had arranged to supplement the Army pay and allowances of Army Reservists and Territorials in the railway service who joined the Colours in such a manner that the families would be maintained in circumstances which should avoid hardships, during the absence of the breadwinner of the family. Certain privileges, such as the supply of cheap coal, would be continued. Occupants of the companies' houses would not be disturbed, and when the men returned positions would be found for them on the railways equal to those they formerly occupied. The general plan adopted was to make a grant to augment the income of the wife and family to at least four-fifths of the man's standard wage.

THE COMPANIES AND THEIR STAFFS

At the time of the outbreak of war the railway companies and the men's unions—the National Union of Railwaymen and the Associated Society

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of Locomotive Engineers and Firemen---were engaged in a controversy on the question of wages. A railway conciliation scheme drafted by a Royal Commission had come into operation early in 1912. This was to continue until November 6, 1914, but either side could terminate it on or after that date by twelve months' notice. The men had given notice in November, 1913, to withdraw; they wanted the conditions revised. When war broke out the negotiations between both sides were in a very forward state. A temporary arrangement was arrived at in October, 1914, by which the conciliation scheme was to be continued, but to be terminable by either side at six weeks' notice. Many railway employees were convinced that since the Government was now virtually in control of their lines their demands for increased wages should be met. The rapid rise in the cost of living had made it obvious, after a time, that something must be done. The railway companies felt that, from their point of view, any rise in wages, even though wholly or mainly made by the Government, might have the serious result of putting on them a heavy burden to be borne after the war and after private ownership was resumed. It is always difficult to reduce wages, whatever the conditions may have been under which they are raised.

On February 13, 1915, terms of settlement were arranged. A weekly bonus was to be paid to all wage-earning employees of eighteen years old and

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upwards engaged in the manipulation of traffic ; all whose standard rate of wages was under 30s. a week were to receive a weekly bonus of 3s., and those earning 30s. or more were to be paid 2s. The cost of this bonus was divided, one-quarter being paid by the companies and three-quarters by the Government. Modifications of the original agreement between the Government and the railway companies were made in order that this might be done. This agreement was revised afterwards in 1915, and in its final form all employees of eighteen years or upwards were given a bonus of 5s. per week, those of under eighteen 2s. 6d. The understanding at the time was that this arrangement was finally to settle the wages question until the end of the war. A definite undertaking was given on that point by the men's organisations :—

The National Union of Railwaymen and the Associated Society of Locomotive Engineers and Firemen undertake that during the pendency of this agreement they will not present to the railway companies any fresh demands for increased bonus or wages, or general alterations in conditions of service, and that they will not give countenance or support either to a demand on the part of any of their members to reopen the settlement now made or any strike that might be entered upon in furtherance of such demand.

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Here, however, war conditions proved a stronger factor than formal agreements. The cost of living generally, and particularly the cost of food, continued to mount up. A second war bonus of 5s. was added to the first, coming into force in September, 1916, and in April, 1917, a further agreement was come to between the Railway Executive Committee and the various trade unions of the men by which the war bonus was increased to 15s. per week for all employees over eighteen and 7s. 6d. per week for those below that age. It was estimated that the total additional expenditure on account of the war bonus would be £23,000,000. The whole of these latter increases were borne by the Government.

These rapid rises in the wages paid to the men came in for much criticism. It was pointed out that the increase of 1916 was nearly equal to wiping out the dividends on the ordinary stock. The *Railway Magazine* declared: "Under no other system but State control would a war bonus be paid on an all-round basis alike to lads of eighteen years of age and the oldest employee, and single and married men placed on the same plane, no matter what may be their financial responsibilities or comparative wages." But here certain considerations have to be borne in mind. This rise in wages was not peculiar to the railways, but was general in industry. The railwaymen under the war labour regulations were not to leave their employment for other work. It was felt that they could not

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reasonably be expected to continue under far lower wages than other men in allied industries in the same districts. Above all, there was the outstanding fact that the old scale of wages was inadequate under war prices. The average cost of food of the kind mainly purchased by working men had doubled; clothing was much dearer; all the incidental expenses of living, except rent and rates, had gone up; and men could not maintain their families decently on the old wage scale. The idea of making the rise the same for all ranks was to benefit most those who needed it most—the lowest paid men.

Up to the beginning of the war British railways had been very reluctant to employ women labour, even for office details. Booking clerks, head office staff, ticket collectors, attendants in dining-cars, were in nearly every case men. But the shortage of men and the desire to release as many as possible for service with the Colours caused the introduction of women workers early in 1915. The experiment was a great success. Women were employed on an ever-growing scale, not only for purely clerical duties, but for manual work of many kinds. Soon everywhere there were women cleaners, women porters, women ticket collectors, women booking clerks, and many others besides. The trade unions pressed for a definite understanding about the wages the women were to receive, and further asked for assurances that the employment of women in capacities where they were not formerly employed was an

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emergency action arising out of circumstances created by the war, and would not prejudice in any way the undertaking given by the railway companies as to the re-employment of men who had joined the Colours, on the conclusion of the war. The pay of women in grades in which they were not engaged in August, 1914, was fixed at the minimum pay of the grade. At first women were not granted a war bonus ; but in November, 1916, it was arranged that women of eighteen years of age and over should be given a bonus of 3s. a week and those under eighteen years of age 1s. 6d. This amount was later increased to 5s. 6d. a week for the seniors and 2s. 9d. for the juniors.

No statements have been issued showing the final balance-sheet of the railways under Government administration, and any such statement would be very difficult to make out, since a vast quantity of Government traffic not credited under the war arrangements would have to be charged up in attempting to make any fair balance-sheet.

In December, 1916, Mr. Bonar Law, speaking officially in the House of Commons, said that the Government agreement with the railway companies, notwithstanding the grant of the war bonus to railway employees, had "involved no financial loss, but probably some gain." When we contrast the working of the railways under Government supervision with the working of the British shipping independently, the gains of the

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Government control become evident. The railways under Government direction kept freights even, directed their operations on an organised plan, gave undue profits to no man, and were worked for the sole purpose of benefiting the country. The merchant shipping trade, left largely under private control, was used in many directions for the accumulation of individual fortunes—fortunes earned out of the necessities of the community.

The era of economy in administration extended. At first the railway companies, believing that the war would possibly be short, attempted to carry on as usual, to maintain as many of their ordinary services as they could, and to give the public all the facilities to which they had been accustomed in days of peace. After a time it became evident that this course was impossible. Step by step, restrictions came in force. Restaurant and sleeping car services were cut down or suspended altogether. Excursion and week-end tickets, formerly a very prominent feature in British railways, ceased. The service of passenger trains was reduced. Minor stations were closed, and some branch lines were abandoned. The "luggage in advance" system, by which passengers could send their luggage on a small payment before they themselves left and have it delivered by the railway company to their destination, was ended, and passengers were asked to take as little baggage as possible. Later on passenger

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baggage was definitely limited to 100 lb. per head.

FURTHER BENEFITS OF THE "POOL"

Among the most important economies in handling traffic was, first, the establishment of the common user of railway companies' open goods wagons. Under the old system the wagon received loaded by one company from another had to be promptly returned to the owning line, even though there was no freight for it on its return. Under the common user arrangement it became available for loading in any direction, thus reducing the haulage of empty vehicles to a minimum. This system of pooling luggage cars came into force on January 2, 1917. The pool did not include the very large number of privately owned wagons, estimated from 600,000 to 700,000, which are a distinct feature of British railways; but the benefits of the pool were soon seen to be so real that steps were pushed forward to take over the control of the private wagons also.

A minor economy introduced early in the war was an agreement by the railways to accept each other's "paid" and "to pay" stamps and labels on parcel traffic. This saved very much labour, and it led to a further development in January, 1917, when the Railway Executive Committee announced that from a given date "the carriage charges for all descriptions of traffic for convey-

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ance by passenger train or other similar service must be paid by the sender at the forwarding station." The whole system of bills and accounts for passenger goods traffic was thus swept away. Some reformers even proposed that the railways should go further, and insist upon the prepayment of all small traffic by goods trains. Still another step was a decision that claimants for the loss or damage of goods traffic should be dealt with by the company on which the claim was made without any division, such as had formerly taken place, of the amount paid between the companies concerned in the route over which the traffic had been conveyed.

The saving in printed matter was so extensive that at least one large company was able to turn out many tons of paper which had been stored for office use and to put this on the market at a time when paper was scarcest.

In January, 1917, in addition to the changes already described, passenger rates were raised 50 per cent., and Irish railways, which had formerly been outside the Government control, were taken into it. The rise in passenger rates was instituted not to increase revenue, but to reduce the amount of travelling. The British authorities openly appealed to the people not to travel except when necessary. It was urged on the public in every way possible that pleasure travelling under existing conditions was unpatriotic. The railwaymen were wanted for other work. Thus at the Christmas season of

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1916 the Board of Trade issued an appeal as follows :—

CHRISTMAS TRAINS.

JOURNEYS OF REAL URGENCY ONLY.

The Board of Trade desire to urge upon the general public the necessity of avoiding all travelling by train at Christmas time.

No journey which is NOT of REAL URGENCY should be undertaken, and the public are warned that the passenger train service during the Christmas Holidays will be greatly reduced in comparison with previous years, and that the Railway Companies cannot undertake to CONVEY PASSENGERS to ANY PARTICULAR DESTINATION. The Military Authorities propose to restrict the leave of soldiers stationed in this country, and, in the interests of the nation, civilians should regard themselves as under a like restraint. Soldiers on leave from the front will be given a preference over other passengers.

The increase in passenger fares did not apply to workmen's tickets, season tickets, traders' tickets, or zone tickets, nor to the local traffic in towns. Moreover, shortly afterwards the Board of Trade announced that the increase of 50 per cent. would not apply to tickets issued to relatives desiring to visit wounded soldiers or sailors in hospitals, on producing the hospital authority to do so. The rise was generally borne with equanimity, but it caused some protests. One deputation appealed to the Railway Executive Committee for consideration in the matter of railway fares for watering-places and health resorts. The deputation was told that, so far from the increase

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being modified, a still further increase might be necessary in the future.

TRANSPORTING STOCK TO THE WAR ZONE

Late in 1916 a fresh consideration came to the fore. In the early stages of the war the British had relied mainly for the transport of their goods in France on the service of large numbers of powerful motor wagons. Experience proved that while a motor service might answer as a temporary measure for a comparatively small body of men, it was impossible to provide for very large armies by road traffic. It was particularly impossible to bring forward with sufficient rapidity the enormous quantities of shells required and the numerous heavy guns without the use of properly built railroads. The companies could not well manufacture afresh the rails, locomotives, and rolling stock necessary, or educate outside men to operate them in France. To meet this situation large sections of line were torn up in England and sent over to France, and every spare locomotive and spare bit of rolling stock was also sent over. These rails were quickly laid down by the Railroad Construction Corps, drawn largely from railroad builders from the Dominion of Canada. The new lines were operated by the Railroad Corps, recruited from practical British railwaymen. This of necessity still further reduced travelling facilities in England. Speaking at

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Carnarvon on February 3, 1917, the Prime Minister dealt with this matter :—

“ The Germans discovered early in the war that the railways are a great military machine. As usual, we come a little later.

“ When I was Secretary of State for War one of my first duties was to appoint a great railway manager to take over the question of railway transport. The Commander-in-Chief in France not merely welcomed his appointment, but instantly appointed him as chief railway representative behind the lines. He is one of the ablest railway men in the world, and the railway system there has been taken in hand. But you needed locomotives, you needed wagons, you needed drivers, you needed steel rails, and even if these had been times of peace you could not have had them without taking no end of time in manufacturing for a great demand of that kind. The President of the Board of Trade had to take the matter in hand. He thought it was common knowledge that there was infinitely more travelling on the part of the general public in this country than in any fighting country in the world—non-essential travelling—and he advised these restrictions in order to cut down unnecessary travelling.

“ What has been the result ? He has already saved hundreds of locomotives—I could tell you how many—for the Army in France, and their drivers are volunteering to go there. The Union of Railway Servants has been extremely helpful to us in engaging them. He saved tens of thousands of wagons ; he saved scores of

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thousands of tons of steel rails, that we could not possibly get manufactured for at least a year, and not even then except at the expense of steel, which we required for building against submarines. Now this is what I want to put to you. The next time you find that the timetable is inconvenient to you, the next time you have got to pay an extra fare, do not forget you are helping the Army in France by that means more than if you had sent three fresh army corps there. Those are some of the things that we want the public to do."

Still further economies were necessary. The men organising the railway services of the country ever kept in mind the purpose of effecting these economies with the minimum of inconvenience to the public. In July, 1917, an important scheme, going far beyond anything yet attempted, was announced for the coal trade. The carriage of coal was one of the big problems of the railways, for it involved much labour. In the winter of 1916-7, owing partly to delays in railway transit and partly to difficulties in local delivery, considerable numbers of people—particularly the poor—had been unable to obtain supplies of coal with any regularity. It was feared that conditions might be still worse in the approaching winter. This the authorities planned to prevent.

The Controller of Coal Mines published a scheme, dated July 4, 1917, for the purpose of reorganising the transport of coal by railway for inland consumption. Under this scheme England,

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Wales, and Scotland were divided out into twenty areas, and each area had to take its supplies from certain fixed districts of production. It was estimated that the plan would effect a saving in railway transport of not less than 700 million ton miles annually. The scheme was based on four main issues:—

(1) That consumption of coal should take place as near the producing point as possible ;

(2) That in view of the superior facilities offered by the main traffic lines the movement of traffic should follow these routes wherever possible ;

(3) That the movement of coal should, as far as possible, be in well-defined directions—north to south, north to south-east, north to south-west, east to west ;

(4) That an area producing less coal than suffices for its own need should not send any portion of its output to other areas. That an area producing more coal than it requires for consumption within the area itself should only distribute to adjacent or convenient areas.

This scheme did not affect water-borne coal, anthracite, or coke of any description.

It was the precursor of other schemes which were to reduce unnecessary traffic in goods to the minimum.

No description of the work of the British railways in the war would be complete without some reference to the service in handling the wounded.

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Soon after the outbreak of hostilities several of the railway companies began the construction of special ambulance trains. One of the first of these was equipped at the Great Eastern Works at Stratford. It was made up from vehicles taken from service, and consisted of eight cars. The first was a five-compartment brake composite. The guard's compartment was fitted up as a mess-room for doctors and nurses, the first class compartments in it were reserved for two nurses and two doctors, and the two thirds were converted, one into a pantry, one a stores, and one as a room for two men on the staff. Next came a ward car, with one section for four officers and a ward for sixteen men. This was followed by a ward for twenty men. Then came four cars—a pharmacy car and treatment room, three more cars with wards for twenty men each—a dining car, and a last car with three third class compartments adapted each to accommodate two men, and two first class compartments converted into stores and a small guard's compartment. This was an excellent example of the quick conversion of existing stock for war purposes. Other lines did much the same.

As soon as possible special trains were built, new throughout, for hospital requirements, and were put on the line both in England and in France. One excellent example of the kind used in England was built by the Brighton Railway. It consisted of sixteen bogie coaches, two kitchen cars, a pharmacy car, four ward cars, five sitting-up cars

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(one for infectious cases), a staff car, a personnel car, and two brake vans. Accommodation was provided for 144 beds and 384 sitting-up cases. The train was 930 feet 8 inches long, with buffers, and it weighed 429 tons. Its equipment was the final word in comfort and convenience. The absence of vibration, the ease with which cases could be taken in and out, the facilities for carrying patients to the treatment room, and the arrangements for the staff excited the greatest admiration in the numerous places where the train was put on show before it was brought into service. Not that the Brighton Railway was exceptional in this. All the great English railway works devoted their utmost skill and care to the ambulance trains, and each pitted itself against the others in providing the best for our wounded men. He would have been a bold judge to decide which did best.

PROBLEMS AFTER THE WAR

The responsible men on our railways recognise that the problems in railway management and control raised by the war will not altogether come to an end when the war is over. A new era has begun in railway management, and it will be impossible to go back completely to pre-war conditions. Even if it were possible it would be highly undesirable. While no definite schemes have yet been arranged, it can safely be foretold that there will be greater unity of administration when peace returns than in the old days before

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war came. Co-operation has proved to be better than cut-throat competition. In the old days the Railway Clearing House at Euston provided the machinery for a limited amount of co-operation, but one dissentient could often hold up great reforms. The Railway Executive Committee of to-day is almost certain to develop into a permanent central body which will act as the coherer, the organiser, and the Supreme Court of Appeal among railways themselves, when rival schemes threaten conflict. This central body will promote economy of effort. It will prevent extravagant and excessive competition, and it will, if wisely guided, hold the scales evenly between the triple claims of the railway proprietors, the railway employees, and the general public.

The second problem is that of wages. Practical railwaymen maintain that under normal conditions it will be impossible to pay, when the companies emerge once more from Government control, anything like the war bonus of 15s. per week per man now received. Any attempt to revert to the pre-war wages would probably plunge us into a labour war. What will be a fair and practical wage for the men after the war is over? How can it be paid? If a substantial increase on the pre-war rates is found necessary—as many think it will be—how are the companies to meet it? Are they to be allowed to maintain higher passenger rates or to increase freight charges? If so, will these higher charges mean increased revenue? It is an axiom of

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management that low fares mean heavy traffic. Here is a matter which will demand the most careful consideration of both railway managements and the men's leaders.

The third problem is that of the future of women's labour on the railways. The companies have promised that men who have left them to serve with the Colours will be reinstated on their return in positions equal to those they left. That promise must be kept, and kept to the full. But, unfortunately, many of the men will never return. Women have been found such efficient railway servants that they are certain to be retained. Many branches of railway employment before the war exclusively held by men will, a few years hence, be wholly or almost wholly in women's hands. How can the change which has already taken place be made permanent without strife?

The changed conditions after the war may, of course, provide in themselves a solution for all these possible problems. In the great rush of work to be done when the world is to be repaired, when ruined countrysides are to be rebuilt, great cities re-equipped, and the waste of war made good, there will be for a time at least a demand for labour greater even than the supply afforded by a gradually demobilised army. It has been the experience of other generations that a successful nation emerging triumphantly from a hard-fought war has in itself such springs of hope, enthusiasm, and inspiration that

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the impossibilities of other days are tackled and overcome. The British railways may at least hope that, having solved the problems of war traffic and employment in unequalled fashion, they will master the lesser problems of the coming days of peace.

Of the many high tributes paid to the British railways by the responsible heads of the nation, only two need be quoted here. The first is from Sir William Robertson, the Chief of the Imperial General Staff, on May 12, 1917:—

During the last five or six weeks, I suppose, we have expended some 260,000 tons of ammunition, which have had to be moved by road, rail, and sea from the factories in England to the guns in France, and man-handled probably not less than half a dozen times. As you can imagine, this has entailed a great deal of railway work at the front as well as in England, and the skilful and determined way in which the work has been executed by the railway managers and employees who have assisted us is beyond all praise.

The Earl of Selborne nearly two years earlier, on August 26, 1915, said:—

Have you thought of what the railwaymen are doing? An immense number of men have been taken from the railways. The railways are carrying now a volume of trade such as never has been carried on our railways before, and the strain on those men is very great. That is nothing but silent heroism; as neces-

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sary and as great a contribution to victory as the work of the seamen or the work of the soldier.

No tributes were more richly deserved.

6

OUR FLYING MEN



BY
MRS. MAURICE HEWLETT



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OUR FLYING MEN

THE writer cannot be found till after this war who can give to the world the essence of Aviation, and place the men who serve her in their undying place in history.

The glory that future generations will accord them cannot be gauged till more of their qualities are known, and all the circumstances of their brave deeds can be brought to light. Other branches of the services have their chroniclers, who have written down their traditions, life and language, and the deeds of the men who have served those branches will live because they are made popular. Some of the chroniclers have written from personal experience, and what they have told rings true. We want such a man to write of the air, for its stories are as wonderful as any of Jules Verne's.

The use of the air as a science is so new that it is developing daily, even whilst it is used in war, and it is an oft-repeated truism to say that this war has done for aviation what peace never could have accomplished.

No civilised people would have tolerated the risk of life to attain such proportions for the furtherance of a science ; war came and demanded this sacrifice for other reasons, and by this demand aviation came into her own as the fourth arm of the war machine.

In writing about aviation, either it must be treated purely as a science, or else as a means of locomotion and an essential of modern warfare. At present, we can learn something of this latter view, by knowing and understanding the pilots, and hearing of some of their enterprises.

We know now of some of the laws which govern the air. They have been discovered only by experience, even only by many fatal accidents. Men have had their machines break in the air, and with their deaths the reason has been lost. Many victims have been claimed before the law which they unknowingly disobeyed was discovered to exist. In flying, more than in any other science of war, the man is alone, and on his skill and nerve depends the result.

One must have lived amongst our flying men to write about them, seen them daily with and without their machines. Full account must be taken of what flying means to them—the mad intoxication of it at first, and then the absorbing devotion to their calling.

Even the outside world cannot have a living picture of aviation till all the details of their deeds and manner of execution can be disclosed. Even the names of pilots (save in exceptional cases) are not published, for the very obvious reason of not letting the enemy know where they are flying, and what machines they are using, otherwise they would work at a still greater disadvantage than now, and with even more risk to their lives.

Truth is stranger than fiction. Some of the

stories that leak through from the front are frankly disbelieved as being "too tall."

Quite lately a publisher had a book about flying sent to him in MS. He accepted it as fiction, yet he sent it to a pilot of his acquaintance, asking his opinion if such a story was likely to be realised. The reply came that the story was already out of date, the incidents were of everyday occurrence, and were not thought worth recording.

After the war the real work done by the flying men will be officially written, and it will be substantiated by photographs taken at the time; full dates will be given, and it will be history—history that will be exciting to read.

At present, the adventures told of flying men require a very great effort on the part of the hearer or reader. Imagination must fill the gap left by utter want of knowledge and experience. Many of the words used in the telling are new and meaningless to their ears. Great skill is talked about, but even the kind of skill cannot be explained.

We read almost daily in the papers:—"Our aircraft was very active and proved of assistance to our artillery"; or again: "Ten of our machines bombarded a station of great importance; five failed to return." To understand these bald statements, one wants to know how they do it and what skill is required. For instance, "to be of value to our artillery" means that aeroplanes are sent out from any air station behind our lines, which have to cross the firing line, and seek

the exact spot where a German gun is hidden. The gun may be disguised as a haystack, a house, a tree, or even it may be buried, and a mound of earth built over it. When found, the position is sent by wireless to the artillery, who feel about for what they cannot see. The aeroplane then has to correct the aim, by pre-arranged signals, till the hidden gun is put out of action.

Imagination has to come in here. Think of the difficulty of correcting a hit several thousand feet below you. You cannot be still for a second: your aeroplane is moving all the time and vibrating as well. You are during most of the time a target for the guns below you, and also for any enemy on the look-out to prevent you doing this particular work. Gun spotting and artillery directing is an every-day job for hundreds of men along hundreds of miles. It has to be done during an attack and close up to the fighting. If the weather is misty the pilot is obliged to fly very low down in order to see, and this greatly increases the danger. He has also to record the progress of the fighting as it goes on—the advance or retreat of his section—in order that reinforcements of men or machine-guns can be sent where they are urgently required. He further has to direct either the men or the guns to the required places. The enemy must be observed, and the watcher gives signals for a barrage fire to prevent fresh troops arriving, or to stop men being moved from one section to another.

Not only are our aircraft exposed to guns and enemy aircraft, but they have to fly in very bad

weather, when the conditions of the air make flying a perpetual fight for mere existence. For hours they have to remain at their responsible task, fighting against the elements as well as against the enemy. It is only by turns, zig-zags, and manœuvres of all kinds that they have any chance to live at all.

Allied to artillery work is that of photography from the air. It plays such an important part at present that aeroplanes are specially adapted for the purpose. A sliding door in the floor of the fuselage (body part of the machine) permits the observer to study the ground immediately below him, and to take a photo of any bit of the landscape as it slides under him. Special lenses are used that have been made for this purpose.

These photos are for recording exactly and indisputably any preparations that are being made by the enemy above ground. The photos give every detail, and therefore, if taken frequently, give a sort of cinematograph of what is taking place in the enemy's country just beyond the lines. After enlarging these photos objects are located exactly, and they can be dealt with according to circumstances. Trenches being dug are apparent, by the newly-turned-up earth, to this eye which cannot lie or make an error.

At sea the eyes of the seaplane have still wider range, for they can see into the water and discover the U-boat lying under the surface. Here photography is not used, but wireless takes its place, and instant communication ensues

between the seaplane and the shore batteries, or between it and another ship.

These winged guardians are fighting machines, small, fast, and very easy to manage. They carry one or more machine-guns, which are in the hands of a man well trained in the manner of fighting with them in the air.

The following story is by the pilot of such a machine and is told in his own words :—

I received orders to protect Lieut. A. while he was taking certain photos on the other side of the German lines. These photos were required immediately and were of great importance. The lieutenant was piloting a Farman type of machine, specially fitted up for photography. I flew a small machine, fitted with two motors, which gave her a good speed. My mechanic, Barnum, was acting as my gunner. Barnum is not his real name, but it was given him because of his clever imitation of animals and men, and of the role he played of entertainer in general to the aerodrome when off duty and sometimes even when on duty.

“Right you are, sir,” he answered, as I called him. He proceeded at once to stack all the belts of ammunition into the cockpit. Everything else was always kept at the final stage of readiness.

“Let’s see if we can wing a Hun,” he said.

“The Hun may get us,” I answered.

“Anyhow, if we can’t get a Hun let’s go for a decoration.”

He always had the last word in repartee.

We waited till the Farman was off and had

headed in the right direction before we followed. We passed over Verdun, and had a warm reception from some of the guns, but no damage was done us. The Farman was searching round for her spot of interest when Barnum lit me on the shoulder and pointed to an L.G.V. (a German make of aeroplane) which was flying towards us. He swung round his gun ready to give it a peppering as soon as it got within range.

I was spoiling for a fight, for I had bagged nothing lately, but I had to remember my orders and keep an eye on the Farman, and also on the L.G.V. I put myself between the two, rising rapidly at the same time, so as to be ready to pounce like a hawk on a sparrow as soon as I got the chance.

The Hun fired first, and Barnum replied, but nothing resulted, owing to the difficulty of taking aim with a swivel gun-mounting, the vibrations of the engine making the gun shiver like an aspen leaf. To our joy the L.G.V. shared this disadvantage, and was probably cursing the cause as forcibly as Barnum.

We crossed each other at close quarters, then we both banked and turned short. I managed by an extra pull on the controls to get above the L.G.V. We both fired again simultaneously, and I noticed that the turns had brought us over our lines; I longed to bring down my quarry inside them, as no victories count officially unless the machine falls where the results can be verified.

We flew parallel to each other, though I kept my position above. We both had the sun in our eyes, which was trying. Barnum addressed the

Hun in his most comic manner, imitating a coster on Saturday night, while he fed his gun.

The next round still had no effect, so I put the nose of my machine down and dived straight at him with both my engines full out. The pilot saw the danger in time, and nose-dived also to get out of the way. I was 100 yards from his tail and was gaining speed when we both entered a cloud, and suddenly there was nothing in front of me. I cut off my engines, turned, and rose at once to look for the Farman. As soon as I was out of the cloud I saw her. She had given the L.G.V. a round in passing, and as I got close she informed me by our language of signs that photography would now be proceeded with. I followed at her steady pace a short distance behind, and slightly above her.

I hoped the L.G.V. was by now smashed in our lines, but I hardly believed in such luck. The Farman got to work while I idly circled above her. I admired the scenery of the woods with their autumn patches, and I liked the look of the soft white clouds better than being in them. The cold damp had been most disagreeable. The fighting-line was discernible by a double row of German sausage observation balloons, and I wondered what they were saying about us, and if they had already prepared the "Archies" for our return. Hardly had this thought crossed my mind than I saw two black specks. Barnum saw them also and pointed at them, making a sign of joy. They were coming towards us, and were getting bigger every second. I inter-

cepted them by flying across their path, Barnum making fine practice as one after the other passed by. His gun spat out like a devil in a rage.

I had two positions to avoid: neither enemy must pass me to get at the Farman, nor must I allow them to get too near me.

Both had to be kept in view, and I had to perform every acrobatic feat of which I was capable to baffle their double aim.

It has often been said that "stunt" flying is of no good, but I was glad of the practice I had had, as every trick had to succeed the other without a breath between them.

During a turn on one wing I caught sight of the Farman, and noted she was heading for home. I just saw a puff of smoke beneath her, and knew she was safe from "Archies." Now I was free to have my fight to the finish.

Barnum shouted in my right ear: "Two more between us and the lines." I dived, and dropped like a meteor. Crack! one propeller was shattered and its engine stopped. Luckily I had two engines. I got a shot near my foot, so I wriggled my toes to find out if they were still there. They seemed all right. I let my one engine swing the machine on to one wing. Ribbons of canvas and splinters of wood, held to the machine by wires, floated above me as I fell. A singing came in my ears caused by the rush of air and I felt a little dizzy. I had a vague idea that I must stop something, but I saw nothing near me—no machines at all.

My altimeter registered 3,600 feet. I had dropped just 4,000 feet, and I tried to get control over the machine. I soon found that the hit near my foot had cut the rudder wire in two, so that it could not be used; also a wing spar had been cut in half, and that a tip of wing floated apart from the rest.

Still, the other controls were intact, and I managed to get her straight and to land her. Many willing hands ran towards us, and the first word was of congratulation on bringing down the L.G.V. It had fallen in our lines. I was supremely happy, and proud to count 59 holes in my machine, besides the propeller and wing-tip damage.

What Barnum said and did that evening cannot decently be recorded, but he broke the record as entertainer, judging by the laughter.

Naturally the Germans use their aircraft as we do, and when we have some preparations on hand which it is well to keep secret, they have to be guarded from spying eyes. The following story is of one of the many duels and adventures which happen to those who are guarding the workers from observation from above.

“I’ve just got an order to keep off air spies from 12,000 men making new trenches and laying barbed wire. Your spell is three hours if you start at once.” So said the officer in command.

On a double-seated biplane, well provided with machine-guns, I went up with F——, my

great friend and comrade in flying. I was pilot, he was general observer and gunner.

We passed over the town of P——, and saw people walking about the streets, then crossed a valley and got into a thick cloud. We forged straight through and got into sunshine again, but the earth was entirely hidden; only a panorama of clouds lay below us like some snow-covered mountains. F——, who sat in front, made a gesture of admiration with his hand. Hardly had he done so when they melted away and the earth appeared hard and clear below us. It reminded one of the theatre, only here the change of scene was better done. We found the trenches that were in the making; we could trace exactly the wider places of the gun emplacements and all the curves and corners of them. For over two hours we flew above them, at times very low down because of the clouds, and we felt how beautiful and easy was our war service compared to those chaps digging below. It was January and, in spite of the sunshine, it was very cold. I kept an eye on the time, and it wanted only another twenty minutes before we returned to a warm fire and a hot drink. I saw F—— stand up, and with his glasses scour the horizon. He fixed them on something I could not see. I turned the machine to that point of the compass, and soon made out an aeroplane. One of ours, or one of theirs? The moment held some excitement. F—— with his powerful glasses could see the black cross on the wings, so he made a cross with his fingers to tell me. He sat down

to his gun. My work was to keep the machine in the best position for attack. We got to 300 feet apart, the German slightly above us. I signed to F——, who knew my methods well, that I would pass close under him. He nodded and prepared to fire as we slid beneath his fuselage.

The German fired first from a hole in the floor of his machine; luckily for us it was a second too soon, or all would have been over. As we came from under him, I put up the nose of my machine at a good angle, and got on his level after a sharp turn. I distinctly saw the two men in their seats. The pilot had his head bent over his lever; the mechanic was just leaving his gun that fired underneath and had his hand on the revolving turret that mounted his second gun. The pilot knew well the one point from which we could not fire, and he tried to get there. I saw his plan, so, turning on one wing, I put the machine into a spin and went round and round him. F——, calm and ready, gave him short sharp practice whenever he got the chance. It was always answered, and a constant ping-ping caught our canvas. The German machine gave a shiver, and either the engine stopped or the pilot cut it off. But he began to dive.

I wanted to force him over our lines, so I followed him close, cutting off his line of retreat. This evidently annoyed the gunner, who, in spite of the terrific pace at which we were falling, kept up the fire. At the third round, a cry reached me: "Go down." I obeyed at once, thinking that F——'s gun had jammed or that another

had joined the fight. I felt something warm on my face, and put up my hand. It was wet with blood. I looked at F—— and saw his head resting on his elbow; his eyes were shut and blood was coming from his mouth.

Like a madman I shot down through the clouds. They were like cotton wool, and I had only my compass and altimeter to guide me. I strained my eyes to see the earth, but it seemed ages before it appeared. The tension was extreme: should I be in time to save him or should I ever get him safely to our lines? At last! the clear view. Like a falling star I made for the hangars, and landed before the nearest. F—— was lifted out like a child, and the doctor was on the spot. He found one little wound, but it was mortal, and the effort of calling out had brought on internal hemorrhage. The doctor quietly said: "F—— is dead. He has died a hero, for his victim fell in our lines just as you landed here."

I went out to be alone. I received another shock, for I saw my own face in a glass, and it was covered with blood, that of F——, my greatest friend and daily companion.

The dropping of bombs is the popular idea of the use of aircraft in war. It is far from being the principal use in military opinion. The Zeppelin raids on London, Paris, and other towns have caused loud cries for reprisals from civilians. They suggest that the Allies should bomb German towns. They should, however,

consider that Zeppelin raids have ceased because the Germans came to the conclusion that they did not pay. The loss of airships was greater than the harm they did or the moral effect produced.

To drop a really destructive amount of bombs on a big town 200 miles away takes some doing by a fleet of aeroplanes. On the one hand, it has a terrifying effect on the population, and its cost is not so great in money as an airship raid; but its cost in good pilots is much too high for these results.

Really first-class pilots are none too plentiful; they take time to train even after they come out from a school. They are required for all kinds of more important work, and if killed or maimed cannot easily be replaced.

The choice of men for distant raids calls for those of wide experience, in the best training, or with exceptional powers of endurance. The distance to be flown without a landing is often 400 or 500 miles. This means that to the weight of the bombs, the oil and petrol, one or two guns and ammunition must be added. To fly with such a heavy machine means very careful flying. A good pilot avails himself of every air condition at various altitudes. The higher he flies, the less power he gets out of his engine; at the same time he may find more favourable conditions at 10,000 than at 5,000 feet. The success of the raid depends greatly on his knowledge and his skill in turning it to his advantage.

Some bombing raids do not come under this category. They have a military object and a great one, such as the following story explains.

Five of us set out at 4 o'clock one September morning. Our orders were to destroy the powder-works at D——— in Germany. The day previous we had attended a sort of conference on the subject, with copious illustrations and maps.

We were all heavily laden at the start, and we had great difficulty in rising. Two of us were crippled as we crossed the lines, and had to return as best they could.

Over M——— we saw an Aviatik coming towards us. We had our machine-guns ready, but went forward without being offensive. We crossed the Rhine, and just as we left it I heard a shot behind me. I turned and saw a German machine close on my tail. "Oh, my good man, wait there a second." I pulled round my gun and gave him a round. It shook him off, but he turned very short and got close to the side of our machine. J——— was pilot. Unluckily his gun jammed (a horrid habit they have, just when you want them most) and the German got in a shot which wounded him and forced him to land. Only two left out of five, and we hadn't even got there! We had still 80 miles to go to D———, where the powder factory wanted blowing up.

Near to F——— the Aviatik caught us up, and, heavily laden as we were with bombs, etc., we were unable to manœuvre and turn to free

ourselves of his attentions. He made for Lieut. D——'s machine, opened fire and brought him down. We heard afterwards that he died in a quarter of an hour. Only one left now, and we were that one. I shivered to think of the fate of the others, and wondered how soon ours would come. I knew my companion well who was piloting. He would not think: he would go straight on and carry out every detail of the expedition unless he was killed. I nerved myself to our lonely flight and kept repeating: "I must avenge them; I must not fail them." I turned savagely on the Aviatik as she came to get rid of us, and, to my intense joy, wounded the pilot, who fell with his machine.

I felt better then, and we went on to our goal. Soon after it came into view, with its tall chimneys and surrounding town, a river running alongside. We came down in the middle of it to 4,000 feet, and just between two chimneys we detached two large bombs.

The result put heart into me. J—— made a wide circle to see the effect; then six more were let loose, and flames and smoke told us we had done our job. Not as five could have done it, but as well as one alone could. Now to return 200 miles. Being lighter by hundreds of pounds, J—— was taking a higher altitude, when a most violent shock rocked the whole machine, so that I thought no two bits could hold together. There was nothing to do, so I sat still, and it recovered. A 105 had hit us. The shot had gone between my legs and out through the floor of

the fuselage. I could see through the hole. Our hour had not come yet.

After leaving the —— and re-crossing the Rhine, we were chased by a number of enemies. J—— kept straight on, while I gave them rapid fire right and left as they tried to surround us. They surprised me by making off, and I soon saw the reason. Lots of black specks were getting nearer, and I knew they were our own fighting machines coming to escort us home.

How glad we were to get back! We had been flying for five hours and had done some fighting. We had 60 holes besides the big one from the 105, but none were vital. I felt less depressed, as we had avenged our comrades.

On another occasion a couple of small bombing machines did fine work for those in the trenches. It was in September, 1916, along the Douai—Lille line. The French were making a push, and the enemy were doing their best to hold their positions. Reserve troops were being hurried up from behind the German lines. The aeroplanes were told to do their best to delay the arrival of fresh troops. They worked in pairs; each pair conceived a plan of attack and carried it out jointly.

The least failure meant a forced landing in hostile country, with plenty of soldiers only too ready to take a swift revenge. The plan arranged by the pair in question was to find and attack a troop train, and they succeeded even better than they had planned it on paper the night before.

They patrolled the line of railway from which the troops were expected, and watched it from a safe height. When they saw a long train travelling slowly westward, they both came down till they could see that it carried troops. They prepared their machine-guns and came still lower, one on each side of the long train. Heads came out of the carriages, and the men, seeing the Allied marks of red, white and blue circles on their wings, and no bombs being dropped, shooting, or other offensive measures being taken, concluded they were German aviators, flying French machines they had captured in order to escape the French guns. The travellers were full of admiration at the cleverness of the ruse. They waved hands and caps, crying: "Kolossal!" "Hoch!" and cheering loudly.

The sport amused them as the machines came lower and lower, nearer and nearer to the train; one on each side, till the pilots made their sign to each other, and opened fire with their guns at terrific speed. Panic, sheer panic ensued. The soldiers never gave a thought to their rifles but got under the seats, and crouched by the doors, while some of them jumped out of the train. Others called out: "Kamerad!" Band upon band of ammunition went into the machine-guns as the fire went all along the train, right up to the engine. The engine-driver fell, the engine gave heavier and less frequent gasps. At last a jet of steam hissed out of it and it stopped.

The two aeroplanes passed in front of the engine, one turning to the right and the other to the left

as if performing a dance ; flew to the end of the train, turned, and again fired all the way up to the engine. In this manner they delayed some fresh troops getting to the front.

After that they flew towards the station where the troops were to have disembarked, and passed a level crossing, the gates of which were shut, waiting the passage of this very troop train.

A convoy of ammunition wagons was waiting on the road for the gates to open. The two pilots carried out the same tactics, killed the men and horses, and so startled others that in the narrow road many waggons were overturned in the ditch. They continued their journey towards the station, where some anxious military men were waiting for the arrival of the troop train.

Such a bombing expedition is worth while, and, had the men in the trenches known how they had been helped, they would have given them hearty thanks. The staff knew and recognised it well. Earlier in the war, an aviator destroyed the entrance to a tunnel to block a railway. It happened that a munition train was just coming out, and the tunnel fell on it. The aviator did not see the train or know it was caught, but clear proof was given of its non-arrival the same night. No local German batteries replied to the Allies' fire and, in consequence, a very important position fell into their hands. The reports stated that "assistance being given by aircraft, we took an important position locally."

When first the Germans made raids by night, there was much discussion about the advisability of aeroplanes flying in the dark. Many men gave it their special attention. Certainly many lives were lost, in guarding London and Paris from Zeppelin attacks, by the landing of aeroplanes by night; it was disastrous both in the loss of good machines and, worse still, the lives of their pilots. Many attempts were made by French and English to master the difficulties, till at last a French captain organized a night squadron, and trained his own pilots under new and improved conditions. What these are cannot be explained now, but the fame of his work is well known and glorious. Fearing the eyes of our aircraft by day, the Germans profit by the darkness of the night to make military preparations, and our aircraft found means to know what they could not clearly see.

Towards the end of 1915, this French captain flew every night to watch this night activity. One night he saw a train, or rather he guessed at a train, being behind a red glow given by an engine. He flew very low down to ensure a good aim, and dropped a bomb on the light. He returned without any injury, in spite of a bad head wind.

The following night he went, accompanied by two other aeroplanes of his squadron, to the same place. Evidently repairs of some kind were being carried on by the light of flares. They were shielded, but visible from above. His three machines dropped three bombs each on the flares.

One pilot had his fingers frozen with the cold, but received no hurt, nor were they fired at.

The captain, being a man who did things thoroughly, returned alone the third night, and found no lights and no sign of activity, so he reported that he had met with complete success. The truth of his report was verified by daylight.

Now, with scarcely more danger than in daylight, do our flying men go to meet Zeppelins and aeroplanes in the dark, and their astounding successes need not be enumerated. Apart from the skill and experience of the pilot and even outside air risks, there are many unforeseen accidents which have caused the deaths of some of our best men. For instance, circumstances quite outside actual flying lost to us the services of R——— in Egypt.

He and a companion had to embark on two aeroplanes far into the desert. R——— was alone on his machine, but his companion carried a passenger.

The expedition being of uncertain duration, a small base was arranged for food and petrol some way in the desert, to be transported thence by camels.

The two machines started on June 15th, and, after one and a half hour's flight, failed to locate their small base. They landed as night came on, camped where they were, and slept under the wings of their machines, confident that at dawn they could find their base.

At the earliest daylight, R——— went up

on his single-seater to look for it. His motor was not giving full power, so he landed again without having discovered any signs of men or camels. The second pilot advised a return to headquarters for exact directions, and to return more quickly he flew his larger machine without his mechanic, leaving him with R—— to repair his faulty motor.

On arrival at headquarters, he found that the native camel-drivers had expected to find the two aeroplanes waiting on the ground for them, and that they had returned at once when they failed to see them.

The pilot returned immediately to the spot where he had left R—— and the mechanic, to fetch them away. He found the place, and the marks of the wheels of the aeroplane, but no men and no message. He flew round in a circle but found nothing at all. He returned at once to headquarters and instigated a thorough search with aeroplanes, motor cars and camels. Each went carrying water and petrol. Nothing was discovered until four days later, when a scouting motor found the two bodies of R—— and the mechanic by the aeroplane. The story was pieced together by the following notes, made by the mechanic before the end.

“Soon after Lieut. J—— had left, R—— and I repaired the motor. We decided to fly it as near to headquarters as possible, as we had very little water to drink. We got 25 miles, when it gave out again. We did all we could to make it right, and it took us another 8 miles.

But it was using too much petrol, and in another half-mile it ran dry.

“That night we suffered badly from want of water. While my back was turned, R——— shot himself. I believe it was so that I should have all the water left. I spent the next day on one spoonful. I slept most of the time. I remembered the liquid in the compass and drank it. I fired the Lewis gun many times. Nothing has come—just nothing.” These words ended the notes.

Another adventure not dependent solely on flying happened to Captain O——— in East Africa. He had a duel in the air with a German. He got the worst of it, and his machine was hit. With more luck than skill he fell on soft ground, and fell free of his machine. The German made no attempt to see the fate of his victim, and flew off. Captain O——— was 50 miles from his lines, and he started off to walk them. During this long tramp he had to swim six rivers, and was greatly impeded by his compass, which he carried the whole way, knowing it was the only means he had of ever arriving back. He was attacked by crocodiles and had to drop the compass to save himself. However, he managed to frighten off the crocodile and recovered his treasure and guide by diving till he found it.

He encountered a lion, and had'to hide for a long time. Finally, he arrived, with his compass, but with hardly sufficient clothing to cover his nakedness. He reported at headquarters, and found the report of his last flight given as: “One of our aeroplanes failed to return.”

Where official reports are concerned, the truth of them need not be doubted, however improbable they may seem, but anyone can use his discretion in accepting the reason or cause of what he saw, as in the following story.

The official record states that on May 10th B—— brought down his eighth victim under the following circumstances ; but the story told by his victim (now a prisoner of war) is not given in the official records, and need not be believed.

Two aeroplanes belonging to the same squadron were sent up on patrol duty. They kept up very high in order to be ready for any enemy and out of the way of guns.

They saw a German machine below them manœuvring in the most masterly manner, and it excited their admiration. It was looping, banking, making side-slips, and recovering balance, as if giving a special exhibition. The pilot was evidently one of rare ability and cleverness, for he was getting nearer and nearer to the French lines while showing his tricks.

The two patrollers considered they ought to stop this, and, taking advantage of his confidence, they approached without his seeing them. The acrobat German had a new type of machine, fitted with the latest design of machine-gun mounting, and a powerful engine. These superior advantages made the fight almost equal. B—— and his companion G—— were most delighted, and by their usual tactics drove the German downwards, firing all the time. The German gunner was also a master, for he replied rapidly, and kept

B—— and G—— at work to avoid being hit. A shot from either B—— or G—— made a hole in the German's radiator and the engine stopped. Another hit the gunner, who ceased fire. The machine began to spin and fell to earth. At about 600 feet B—— saw a body drop out of the machine, but he did not see where it fell. The machine itself fell in some trees. Coming to land close by the trees in which it hung, B—— saw a man walk away; he jumped out and ran to take him prisoner. G—— landed a second or two later, and they approached him together, as G—— had landed a little nearer to him. The German at once began talking. He was so elated at his escape from death that he was only anxious to explain how it had happened.

He said: "When you hit the radiator I was at the point of giving up the fight and reaching our lines, which I could easily have done by planing down without the engine, being at the height we were. But the gunner was my superior officer, and you had wounded him slightly. He ordered me to land at once and attend to his hurt. I refused, as there was no reason to do so when we could both have got away safely. However, he again ordered me to land, on pain of punishment. I told him we had orders to save our machine from getting into your hands, and that, being a new type of machine, it ought to be kept secret. The motor was silent, so conversation was easy and hot words followed.

"The machine got into a spin and the lieutenant, being mad with anger, hit me. I protected myself

as well as I could, and tried to get the machine righted again, as I knew what would happen if I did not get her under control. Being disobeyed by an inferior made the lieutenant blind to danger and death, and he got his hands on my throat.

“If I was to die, I made up my mind to kill him first—I did not mean to be strangled. I took the man in my arms and, with one great effort, got him on the edge of the fuselage; as the machine went round the spin helped me, and out he went. I instinctively glanced at the altimeter, and found it gave 600 feet—none too soon, if I wanted to save my life.

“I could do nothing. I knew I was doomed, but I was revenged on a coward. I shut my eyes, and clenched my hands on the lever, and awaited the shock that would finish all. I opened them again. I was still sitting there, but all was quiet and motionless. The trees had saved me, and I got down.

“Gentlemen, I am glad to be alive, but I am sorry you have got this new machine, which has many new improvements. I could not burn or destroy it where it is. I have the satisfaction of life, although I am your prisoner. My name is H——.”

The name is well known as a pilot of great fame in Germany, but his explanation of what B—— and G—— saw cannot be verified. Another explanation is possible.

Patrol duties have other risks. While on this

duty around Verdun, a French pilot and his mechanic had to make a forced landing, through motor trouble, in that narrow belt of ground between the lines known as "No Man's Land."

They were covered by the enemy's guns and their own, and both were hard at it, until their own side, who saw the landing, stopped firing. They were also seen by the enemy, who did his best to hit such a good target.

They remained by their machine and calmly repaired their engine, perfectly ready for death but still meaning to try for life. Both men got into their places as soon as they had their engine running. The pilot had noticed that the shells came in bursts of six at a time, with a short interval between each set. They were of the "saucepan" type, and made a black smoke which hung for a time near the ground. He decided to try his luck in the next interval, as the shells were getting nearer each time. He flew right into the smoke, and determined to keep in it as long as he could. He followed the course of the wind which blew it along. When the guns actually touched the spot he had disappeared in the smoke of their own shells. He just skimmed over the Allies' trenches, and landed safely.

The distinguishing mark on the wings of the German machines is a black Maltese cross, and on ours a circle of red, white and blue. At present, they are the only means of recognition, even to the pilots. At the beginning of the war, the outline of the German machines was easily known, certainly to all flyers, by the setting back

of the wings, but now the types are only different in details which cannot be noticed at a great distance. To illustrate the similarity between the two, many stories are told. The following is a true one.

Two small fighting machines, both single-seaters, were returning from a special duty. The two men who flew them were great friends, and were constantly at work together. They had brought fighting in pairs to a fine art, and were known as "The Twins."

The day was in the spring of 1915, and rain clouds, black and white, were travelling across the sky at various heights, making holes through which the sun appeared for a minute or two at a time.

One of the Twins saw a German machine and attacked in his usual way. His friend saw the fight going on through a hole in the clouds, and instantly started to help. Before he could get there he was enveloped in thick "cotton wool," as he called the cold, damp clouds. He kept in the same direction by compass, but could not either see or hear anything of the fight. He altered his altitude, and flew in a large circle. No hole could be found, and the cotton wool seemed to envelop him altogether. He decided to look nearer the earth, so came down rapidly. Suddenly, while doing so, shots were all round him: one sang by his head, and others hit his wings, making a ping-ping on the covering. He could not locate them at once, but on looking right round towards

his tail, he saw his friend's machine for one instant. He imagined the situation at once. He thought that A—— had hit his enemy, and, while pursuing him to earth, had peppered his Twin. As he did not want any more, he turned over on one side like a porpoise to show the marks on his wings. The shots stopped at once, and he went on his downward course. The landscape was strange when at last it came to view. His compass glass had been hit and the needle broken, so he had lost his direction. This did not worry him, as he felt sure he was over the English lines, so he came still lower to ask his way. He saw an artillery transport going along a very bad road; he could just see the men sitting in their wagons. He cut off his motor and planed down, and was just landing when, to his surprise, the men leapt up, and he saw they were Germans.

Naturally, he cut short his landing, and switching on his engine, turned up the nose of his machine and was off like a dart. The men on the wagon had not even thought of firing, as they considered a live pilot and a machine had fallen into their hands. Hearing no engine, they had naturally thought it would not go, and that he had been forced to land then and there.

He felt a fool and was very angry about his compass. He came to a village and saw some Germans walking about, sitting and drinking, but they made no effort to attack. Just outside the village he saw two soldiers trudging along, armed to the teeth, and evidently on war business. He swooped right down, nearly touched their

long bayonets and went up again. They were so startled that they threw themselves into the ditch. This made him laugh so much that he forgot his bad temper and turned his thoughts to finding his way back as quickly as possible. He followed in the direction the soldiers had been taking and came to a gun. From the way it was pointing he knew where the English lines would be. The surroundings became more military and very aggressive towards him. He had to take to the clouds quickly and, keeping just on their fringe, he reached his own aerodrome. He was late for dinner and hurried to the mess. As he opened the door, thinking to see cheerful, well-satisfied diners, he only saw a depressed group standing round his Twin, who was stating, in a voice suppressed by emotion, "I tell you I brought down James" (his own name) "I saw him fall, and I can't find him anywhere." For a second no one moved as James entered. The rest of the story is too sacred to be written. One Twin thought he had killed the other. Imagine the meeting of such dear companions after death had so nearly come between them.

Everyone was excited when the Fokker machine first appeared, and it was reported to be a marvel in aircraft. The papers entirely lost their nerve about them. Questions were asked in the House as to why the English had not bought the rights when they were offered before the war. Their reputed superior qualities and wonderful engine were said to have lost the Allies the mastery of

the air. It was even said that the Germans were afraid to fly them over our lines in case the secret of their construction should be found out if they were brought down.

The capture of the first Fokker whole and intact is distinctly amusing.

A king amongst French aviators was invited to give his opinion on a new machine just arrived at the front. He was asked to try its paces and pronounce on its utility for fighting or other work. He looked it over and said nothing either for or against it. He went up with caution to test her climbing powers, her speed, and how she answered to her controls. Having just been erected for testing purposes only, all the various instruments were not yet fixed on the board in front of the pilot, and though two gun-mountings were there of an improved kind, no guns were fixed as yet.

This king of pilots made no attempt at loops, and was most careful to test every turn, giving the machine plenty of time to right herself. He did not indulge in any of his "stunts" which thrilled even the good pilots to watch.

Then he began to enjoy himself, and from what the onlookers saw, the "bus" appeared much to his liking. Suddenly he made a dart towards a distant spot, which glasses proved to be a Fokker. He climbed as he went, and dived straight at it. The Fokker had to dive to avoid a collision. He did it again; he did it four times. Each time he forced the Fokker nearer to the

aerodrome. He left it not a second in which to recover. It was evident that the pilot of the Fokker could not compare with the king, but he did his best to escape, and he opened fire. The king seemed to be everywhere at once, and never where he was expected to be. Finally he flew round and round the Fokker, just pushing him where he wanted him to go, like a dog driving sheep. The Fokker engine gave a few misfires; the gun had stopped firing some time before. Now the petrol gave out, and it was obliged to land on the aerodrome. The king landed beside him, and told the thrilled audience that he liked the new machine. He shook hands with the Fokker pilot and said he was glad he had carried no weapon, as he might have used it in the heat of the moment, and he would have regretted killing such a sportsman. When the German heard the name of this king of pilots he bowed very low, and said he was not so ashamed of his poor performance now he knew who was his victor. The Allies got a perfect Fokker without one shot.

They studied the Fokker, and in England the nerves of the Press were restored when they heard the opinion of the king after he had tried it—which he did the same afternoon. He said :

“ Its type is that of the Morane-Saulnier, the controls are easy and require no effort, though the machine is somewhat slow in answering to them.

“ The pilot is very comfortable in his cockpit, and has a good all-round view. The outlook

from immediately behind is better than in the Morane, but there is no possibility of the pilot seeing what is directly beneath him. The Fokker turns less quickly than many of the small fighting machines, and its speed is less than the Baby Nieuport. The gun is mounted to fire through the propeller, a slight modification being made in the invention of Garros.

“One very practical improvement is an invention by which the control lever is adapted to cut out the machine-gun. The pilot can use the gun without having to trouble about flying his machine meanwhile.

“The landing gear is strong and the machine easy to land. It is also an excellent planer. The motor is an Oberursel of 100 h.p. and an exact copy of the Gnome. Like the Gnome, it cannot be run slowly, and the only way to regulate the speed is by the use of the switch.”

The pilot is not a type, and never will be. He may talk aviation shop, and appear on the surface to be a dare-devil youth who thrives on excitement. This is absolutely a false idea. The men who do these deeds are just the pick and cream of our manhood. They are heroes, modern ones, who can compare with those of Greek, Norse, and Roman fame, and their deeds are making history.

Their lives are so various before they have taken up their calling that one cannot account for their choice. It mostly comes suddenly, and with such force that every obstacle is overcome to reach the desired end.

Nungesser, a French pilot who has more victories to his name, and decorations given him, than almost any other aviator, is an instance of how these men live for their work, and what stuff they are made of. He is a giant of a man in stature, with fair hair and square shoulders. He has a calm manner and a strong will. He is 22 years old.

In July 1914, he was in the 2nd Hussars, in turn a good horseman, a chauffeur and an aviator. His first mention after the outbreak of war was for the deed that won him the Médaille Militaire. It was on September 3rd that his battalion was in retreat from Charleroi.

His officer was wounded. Nungesser had him placed in safety, then, calling on some others to follow him, he led an attack on a motor car full of German officers. So rapidly and with such force was it carried out that all the officers were wounded. Nungesser then took the car, with all the papers it contained, and drove it at top speed through the German lines. It had 38 hits before it reached safety.

This car was originally one that had belonged to the French army, and had fallen into the hands of the Germans. It was a Mors car, and it was given to Nungesser to drive. He went by the name of "Hussard de la Mors," a play on the word "death."

One day, as he was driving the car, he heard the remarks of some infantry men. One said to the other: "It's a shame that that great strong fellow should ride in a car while we older men should slog along on foot all day."

Nungesser left the car there on the road, and said either he would go into the infantry or he would fly. Being already a pilot, he was appointed to Escadrille No. —, and it was not long before he took part in bombing expeditions. He was always having duels out of which he came victorious. Sometimes his fighting instinct overcame his discretion, and he fought on a big heavy machine. Still he brought down his victim. Luckily after this unequal fight, his own machine was broken by another pilot, and Nungesser obtained permission to have a small fast machine, better adapted to fighting, and he was put on to this work only.

He had a plan of attack of his own, and his success was such that he was given the Légion d'Honneur for the extraordinary number he brought down.

He seemed to bear a charmed life, for in all these duels and battles against superior numbers he escaped unhurt.

One day when he was simply trying a new machine some vital part broke in the air, and he fell 600 feet to earth. He broke his jaw-bone; he had a serious wound in his head, and sustained some bad internal injury. For five days he remained unconscious. One month after this accident he was still on crutches, he had a metal plate to mend his jaw-bone and a false palate, and was therefore discharged from further military service.

At the news Nungesser was indignant, and angrily insisted that he should have his work

again. He was offered three months' leave. He refused even this, and, to prove his ability to fly as before, he had himself hoisted into a machine, and gained the day. In less than a week he added two more victims to his account, besides an observation balloon which he brought down in flames. These are duly recorded in the official reports with full details.

When out of his aeroplane he can hardly walk, yet after seeing him fly and watching an air duel, one can hardly believe any man capable of such daring and such skill.

It is almost absurd to enumerate his victims since his accident, they sound almost dull in the bare numbers, but each feat might be the glory and fame of any one pilot. Only the other day, with six Germans against him, he came out with a double victory. He dived into the middle of them, left them firing at each other, then came behind two of them, and brought both crashing to earth. His machine was so damaged after this encounter that he could hardly keep it at 2,000 feet on his return. His record is 29 at the time of writing this.

Nungesser is one of many ; above the average certainly ; but of such stuff are our Flying Men.

MESOPOTAMIA

THE KEY TO
THE FUTURE

• • • *BY* • • •

CANON PARFIT



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AUTHOR OF "TWENTY YEARS IN BAGHDAD AND SYRIA," etc.

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MCMXVII

PART I.
ITS ANCIENT GLORIES.

PART II.
ITS DREARY DESOLATION.

PART III.
ITS FUTURE PROSPECTS.

MESOPOTAMIA :

THE KEY TO THE FUTURE

PART I.

MESOPOTAMIA : ITS ANCIENT GLORIES.

MESOPOTAMIA and its adjacent plains have been associated with the most important turning-points of history. Geographically situated at the heart of the Eastern Hemisphere, these lands have frequently played a leading part in the world's activities. They have contained for millenniums the capital cities of great world-empires. They have been closely connected with the most thrilling epochs of history, and, once again, by reason of the Bagdad railway schemes, Mesopotamia controls the main currents of this unprecedented commotion and holds the key to the whole world's future.

Many kindly friends have often, in jest, called me "the Rural Dean of the Garden of Eden," in order to remind me that man's earthly paradise was situated somewhere in my Mesopotamian parish ; but I protest that

I have never seen it, for, under the Turkish regime, that primitive paradise was unfortunately nowhere to be found.

I met, however, in Bagdad a clever impostor, a wily tobacconist, who closed up his shop and travelled extensively through Europe and America, collecting large sums of money from gullible Westerners by posing as the famous "Discoverer of Noah's Ark and the Golden Mountains of the Moon." These also I have never seen ; but, apart from all spurious claims and fantastic titles, it is nevertheless true that Mesopotamia cradled the human race, nurtured it for centuries, until a new era was introduced by the Flood incidents, which are recorded not only in the Hebrew Scriptures, but also in interesting cuneiform inscriptions that have been unearthed by archæologists in Mesopotamia.

This is essentially a land of origins. The oldest sea route in the world, utilised by the first navigators of the high seas, was the Persian Gulf ; and the numerous mounds at Bahrain remind us of the world's debt to the Phœnicians, who gave us the alphabet and the earliest system of weights and measures, and who originally migrated to Syria from the shores of the Persian Gulf and the ports of Mesopotamia. From this land also the Hebrew race took its rise when Abraham came from Ur of the Chaldees and settled in Canaan.

This is the home of the mighty Nimrod, the earliest of hunters, who founded Calneh or Nippur, where I was privileged to see some of the most ancient Assyrian treasures being excavated by American archæologists. Oft-times have I travelled from Busrah on British ships conveying hundreds of Arab ponies to India, when I recalled the fact that horses were introduced into Mesopotamia 4,000 years ago by the Kassites, who, largely on account of their superior mobility, were able to conquer a country whose inhabitants till then had used only asses and cattle for transport.

Philologists may rejoice while others will weep over the fact that in this plain of Shinar the Confusion of Tongues and the multiplication of dialects took place at a time when cuneiform characters became confounded and the dwellers in Mesopotamia were driven forth to colonise the continents.

But Babylon was also the mother of astronomy, and to her ancient system of dividing the day we are indebted for the twelve divisions on the dials of our clocks.

The influence of Hammurabi's famous laws has penetrated down the ages into the legal codes of modern times through the intricate systems of Greek and Roman legislators.

The most curious ruin in Mesopotamia is the unsightly mound of Akker Kuf, near Bagdad, connected, we are told, with the

remote period of King Kurigalzu, who reigned in Babylon about the time when Moses was leading the Israelites from Egypt to Canaan. Those ancient monarchies of Babylonia, Assyria, Parthia, Media, and Persia were great and powerful in their day, exercising a paramount influence for many centuries over the major part of the world's politics, so that no other portion of the earth's surface has more constantly affected the history of mankind, or harboured for so long the forces that moved the world, than this land of Mesopotamia.

The extensive ruins of Assur, north of Tikrit; the mounds of Nineveh, on the bank of the Tigris opposite to the modern city of Mosul; the ruins of Babylon, on the Euphrates; and the arch at Ctesiphon, all testify to the old-world glories of this wonderful land.

For nearly twenty years excavators have been busily attempting to uncover the brick-built palaces and temples of Nebuchadnezzar; but more than twenty years will be required to clear away the debris from the buried marble monuments of Nineveh.

Nebuchadnezzar only revived the more ancient glories of Babylon when he made it the greatest city in the world. He was a remarkable builder of magnificent temples and palaces; but he also extended his military conquests over Syria, Palestine, and

Egypt. When Cyrus the Persian shattered the Neo-Babylonian monarchy he found an enormous reservoir to the north of the capital, into which he drained the great river and entered the city through the dry bed of the Euphrates.

The name of Cyrus recalls the return of the Jews from their Babylonian captivity and the achievements of such remarkable men as Nehemiah and Ezra. There are probably 80,000 Arabic-speaking Jews now resident in Mesopotamia, who guard with reverence the traditional tombs of Joshua the High Priest near the city of Bagdad, of the prophet Ezekiel near the banks of the Euphrates, and of Ezra the scribe on the Tigris near Kurnah.

It was Cyrus who conquered and captured the famous Cræsus with his fabulous wealth. It was his son, Cambyses, who brought from Mesopotamia an army that snatched Egypt from the Pharaohs. Darius, his successor, bridged the Hellespont, and was defeated by the Greeks at Marathon, while his son, Xerxes, who is thought to be the Ahasuerus of the Book of Esther, is reported to have mobilised and maintained in the field an army of five million men, gathered from India, Armenia, Persia, and Mesopotamia. He, too, bridged and crossed the famous Dardanelles; he fought with Leonidas at Thermopylæ; he burned Athens; and only

retired to Mesopotamia after his navy was defeated at the battle of Salamis.

In every school where ancient Greek is taught the pupils are thrilled with the exploits of Xenophon, who extricated the ten thousand from the plains of Mesopotamia and led them towards Erzeroum and Trebizond, back to Greece.

Alexander the Great routed the Persians near Arbela, where, in the miserable modern Erbil, I, too, once fought all night with an army of ravenous cats and voracious vermin that devoured my breakfast and drove me at dawn from the dirtiest khan in Mesopotamia.

On his return from India, Alexander chose the banks of the Euphrates for the capital city of his contemplated-world-empire, but before his plans were completed he died at Babylon. His successors, who built Seleucia and adorned Diarbekr with beautiful buildings of costly marble and porphyry, succumbed to the rising power of Rome.

Mark Antony failed in B.C. 33 to acquire the Asiatic treasures he sought for in Palmyra, and met with disaster at the hands of the Parthians, who founded Ctesiphon, the capital of Mesopotamia for nearly six centuries. The Parthians supported the Palmyreans till their city was destroyed by Aurelian, who captured the brave and beautiful Queen Zenobia on the banks of the Euphrates.

Persia and Rome struggled for supremacy

in Mesopotamia for nearly four centuries. Trajan, the conqueror of Jerusalem, captured Ctesiphon from the Parthians, and advanced a Roman army for the first and only time to the shores of the Persian Gulf ; but he failed to take Hatra, a remarkable city—the home of architecture—about fifty miles south-west of Nineveh, now a comparatively unknown site, where are some of the best-preserved ruins I have seen in Mesopotamia.

Seleucia has completely disappeared, and the great arch at Ctesiphon is all that remains of the wonderful palace of Chosroes II, who was the last and the most remarkable monarch of the Persian Sassanian dynasty. Mesopotamia was still a glorious country when Khalid conquered it for the Arabs and Islam, for ten millions of people then flourished in these well-irrigated plains, and nine-tenths of its fertile soil was brought under cultivation by the Chosroes, while Bagdad, under the Arabs, subsequently became the wealthiest and most civilised city in the world, with nearly two million inhabitants in its palmy days.

Mesopotamia is a land of holy places and sacred memories to the three hundred millions of Mohammedans in the world. There is a magnificent mosque at Kazmain, where two gilded domes cover the tombs of eminent Imams ; there is another beautiful mosque at Samarra. These are Shiah shrines ; but

within a mile of Kazmain, on the left bank of the Tigris, is the stately Haniî mosque of the Sunnis at Muaththam, and in Bagdad itself there is the famous mosque of the great commentator Sheikh Abd ul Kadir, visited by devotees from the far distant Morocco. There are many other mosques and tombs of minor importance, but which are nevertheless well known throughout the Moslem world, such as the tomb of Mohammed's barber, Salman Pâk, within a stone's throw of the ruined arch of Ctesiphon. There are two sacred places, however, near the banks of the Euphrates which are second only in importance to the sacred cities of Mecca and Medina. These are the holy cities of Kerbela and Nejif, where were enacted the tragedies commemorated by the Shiahs everywhere, and in India by Sunnis and Shiahs alike, in the Passion play and festival of the tenth day of Moharram. Ali, the fourth Khalif of Islam, is buried at Nejif, and the disputes which arose concerning his successor were those that rent the followers of the prophet into two great sects of Sunnis and Shiahs, and caused the death of Hosein, whose tomb at Kerbela is regarded as the most sacred spot on earth by one-half of the Moslem world. Nearly 100,000 pilgrims from Persia and India pass annually through Bagdad to Kerbela and Nejif, carrying with them thousands of embalmed corpses for burial in the sacred soil around these holy shrines.

The fascinating stories of "The Arabian Nights" impressed us even in our childhood with the fairy splendour of the Golden Prime of Haroun al-Raschid when Bagdad was the capital of a vast Mohammedan dominion; when Busrah and Kufa were rival centres of learning; when Arab scholars were the first teachers of algebra and chemistry; when the light of learning was kept aglow in the East while barbarian Huns desolated the lands of Europe.

In those enlightened days the Moslem Arabs did not massacre but freely fraternised with the Christians, whose patriarch at Bagdad, with twenty-five primates under him, guided the fortunes of many flourishing churches established between Edessa and Pekin. The Nestorian monument found in the Great Wall of China and the half a million Eastern Christians in South India testify to the activities of those early Mesopotamian Churches.

The Arab philosophers of the Abbaside period persuaded the Christian theologians to translate into Arabic the works of Aristotle and Plato, so that in subsequent years, while the Moorish kingdom was established in Spain, these Arabic versions were retranslated into the Romance languages of Europe, and the search for the original Greek writings led up to the Renaissance, which produced the Reformation.

10 Mesopotamia : Its Ancient Glories

Similarly, the discovery of America can be traced back to movements that took their rise in Mesopotamia. The Euphrates Valley had contained for centuries the "Royal Roads" from West to East, and Charlemagne is known to have maintained friendly communications with Haroun al-Raschid; but, with the passing of the Abbasides, the rise of the Turks, and the fall of Constantinople, the world's highway was so completely blocked that Columbus set out to seek a safer route to the East, when he suddenly discovered America.

Jenghis Khan, Hulagu, and Tamerlane the Turk of Samarkand were irresistible conquerors of a villainous and savage type, who ruthlessly destroyed the ancient glories of Mesopotamia.

Their devastating instincts were infused into the Turkish tribes, whom they drove westward from the regions of the great Gobi plateau. Some of the Turkomans became janizaries to the Moslem Khalifs. They in time usurped the authority of their masters, and founded the Turkish dynasty at Ghazni, till fresh hordes from Khorasan established the authority of the Seljuks; and, finally, at Angora, Ertoghrul, the leader of a homeless Turkoman tribe, founded the empire of the Ottomans, who have completed the ravages of Jenghis Khan and made Mesopotamia the most desolate country on earth.

PART II.

MESOPOTAMIA : ITS DREARY DESOLATION.

KURNAH, the traditional Sumerian site of man's primeval paradise, is situated at the southern extremity of Mesopotamia, 100 miles up the Shat el Arab from the Persian Gulf, where the Tigris meets a branch of the River Euphrates.

My heart sank within me when the captain of the steamer introduced me, as we journeyed from Busrah, to the boundary of my new parish. "Well," I said, "if this is the Garden of Eden portion of my district, what will the rest of it be like?"

The natural prospect was decent enough, but the miserable dwellings on the banks were built of mud. By the side of a tall flagstaff there was a temporary structure of reed mats, which the captain informed me was the Municipal Town Hall of this Turkish paradise. The "Mayor" had but one duty to perform—he collected a tax levied upon every fruit-bearing palm. A bright green nubbak tree was declared to be the "Tree of Knowledge," but the captain confided in me that his father had planted it thirty years before. The people seemed desperately poor; they cried out to

the passengers, who threw them bread and oranges from the deck of the steamer. The dresses of the natives were truly primitive. Most of the children were brilliantly clad in nothing more than olive oil and a smile. One can sympathise with the British soldier in camp with our troops at Kurnah, who, after a sleepless night, exclaimed to his fellow in the tent : "Oh, Bill, I don't know how Adam and Eve got on in this place, with all these mosquitoes buzzing about !" "No, indeed," said Bill ; "it wouldn't take a flaming sword to drive me out of the Garden of Eden."

The alluvial deposit brought down by the two great rivers for hundreds of years has provided these extensive plains with the best soil possible for agricultural purposes. I travelled on one occasion for ten days between Bagdad and Mosul, passing through Samarra and Tikrit. It happened to be a particularly favourable season, just after the winter rains, when the country was covered for a few weeks with grass and wild flowers. Our horses were literally in clover, and at one spot, where we pitched our tent for the night, we picked nineteen varieties of wild flowers within a few yards of the tent door. Yet nothing strikes the traveller so much as the immense quantity of thorns and thistles that cover the greater part of Mesopotamia and Asiatic Turkey ; millions of acres of good arable land are overrun with thorns and

weeds, indicative of the grossest possible neglect.

{ The whole country has, likewise, been practically deforested; } the very roots of trees have been sold at 40s. a ton to provide fuel for the population. When travelling once from Kifri to Mosul I noted the fact that for a distance of seventy miles, where the soil was capable of producing the fairest vegetation, we passed but one solitary tree.

Mesopotamia is now an ideal entomologists' paradise, for nothing seemed to flourish so profusely as the vermin and insect life. I caught sixty scorpions one winter in the ground floor of my Bagdad house. I have attacked centipedes in my drawing-room and have shaken them out of my blankets. Mosquitoes were numerous enough, but the sand-flies were everywhere; the common house-fly attacked you in battalions, and was gifted with a more piercing bite than the average mosquito. Some one has truly said that "the tiniest little insect in Mesopotamia night and day faithfully does its bit." When in summer, according to custom, we dined upon the roof of the house, our table was often covered with a multitude of winged insects, varying in size from the largest beetle to the smallest may-fly.

{ On account of the neglected banks, there were frequent floods and unsavoury swamps where myriads of insects breed. } I was once

lost for hours, while being punted in a native boat, amid the tall reeds of one of these swamps that covered an area of twenty-five square miles.

In 1895 an unprecedented rise in the river destroyed some of the banks to the north of Bagdad, with the result that four hundred square miles of arable land was covered with deep water. The city was an island for months. Twelve hundred brick-built dwellings collapsed, and from two to six feet of water appeared in the *serdabs* or cellars of every house. Hundreds of Arabs lost their lives, many mud and mat villages were swept away, while thousands of sheep perished.

One strange result of these continuous floods was the plague of frogs. They literally swarmed by the million in the swamps and pools. They were possessed of an astonishing variety of voices, so that you could hear their squeaking, squealing, singing, and croaking long before you came in sight of the reeds or could smell the odours of their watery home.

Travelling on one occasion from Bagdad to Babylon, I calculated upon reaching my first stopping-place at the end of a five-hours ride, but we suddenly came across an unexpected flood which necessitated a detour that lengthened our journey by three hours. I was desperately hungry, for the food was locked up in the mule trunks, and we dared not stop

lest we should be benighted in a roadless and robber-infested plain. We reached, at length, a pontoon bridge, and were received by polite Turkish officials, who refreshed us with black coffee and levied an enormous tax, which we gladly paid for the privilege of escaping from the flooded plain.

On arrival at the caravanserai that night we overheard the Arab muleteers cursing the Turkish officials, who, in view of the busy pilgrim season which had just begun, took advantage of a rise of the rivers, breached their banks, flooded the pilgrim road, farmed out the taxes of a new pontoon bridge, and pocketed thousands of pounds till the floods subsided, for great were the spoils which the Turkish governors shared with the robber bands who looted the benighted caravans that failed to reach the bridge before dusk.

The great River Euphrates became un-navigable through the folly of the Turks, and the river bed at Babylon was often absolutely dry. In order to irrigate some Crown lands property, foolish Turkish officials opened a watercourse some miles north of Babylon in such a way that the bulk of the waters created the new Hindiah Canal and flooded an enormous area of once cultivable land. Thousands of pounds were annually spent on a feeble attempt to repair the damage that was done, until at last a British engineering firm was called in to erect the magnificent

barrage, which was completed a few months before the outbreak of war, and stands as a monument to the skill of British engineers. It began successfully to stem the waters of the Hindiah flood and drove back a fair portion of the stream into the original channel of the Euphrates, restoring prosperity to the ruined gardens of Babylon.

One could not but admire the energies of German archæologists who nobly supplemented the earlier efforts of British excavators in an attempt to preserve the ancient treasures of Mesopotamia. The Turks themselves preserved nothing, and have left no monuments of their own behind them. There is not a single building—not even a ruin—a canal, a bridge, or a solitary tree to which we could point as a worthy monument to the centuries of Turkish occupation of Mesopotamia. (This most fertile region of the earth) that enriched the inhabited world for thousands of years has been gradually reduced to dust and ashes, and even the precious monuments of its ancient glories have suffered from the ruthless folly and vandalism of the Turk. The authorities permitted the mounds of Babylon to be used as a quarry, and the well-made bricks of Nebuchadnezzar can be seen in the older houses of Bagdad and the small towns on the Euphrates.

In 1898 I stood before two marble monuments of winged Assyrian lions amid the

ruins of ancient Nineveh ; but on a second visit, four years later, I noticed that one of them had been broken to pieces. The miller close by wanted some stone for the repair of his mill, so he gave a bribe to the Turkish guardian, and the marble lion, worth hundreds of pounds, was demolished for a few piastres.

Ctesiphon has also suffered from gross neglect. Forty years ago both wings of the façade were standing by the sides of the wonderful arch. But the ruin was of no account to the Turk, and the bricks within reach at the base were extracted and disposed of in return for small bribes to petty officials, so that one of the wings eventually gave way, and the fallen material was used for the paltry structures at Salman Pâk.

Mesopotamia contains many underground rivers of valuable petroleum which here and there finds its way to the surface. I was once travelling down the Tigris from Mosul upon a raft of inflated sheepskins when, near Gyarah, we came to a black rock protruding from mid-stream, out of which there flowed a stream of oil almost as thick as one's wrist, polluting the river for many miles below.

The ridiculous efforts made by the Turks to utilise a minimum quantity of this valuable oil may provide a ludicrous reason for the Turkish claim to a place, in this twentieth century, amongst the civilised nations of Europe.

Mesopotamia has an evil name amongst medical specialists as being the home of the bubonic plague, which has often spread to other lands from these dreaded regions, and in 1831 carried off half the population of Bagdad. Our British Mission doctors have been the only medical men who dared, on three separate occasions within the last twenty years, when the Turks fled from the city, to stay behind and grapple with the desolating ravages of cholera. I once accompanied our doctor to a large village near Mosul, where he found 60 per cent. of the villagers suffering from ophthalmia, and at least 10 per cent. of them had lost their sight. There was not a single municipal hospital or dispensary in the whole vilayet.

It is impossible to adequately describe the puerility which characterised the acts of quarantine officials. It may be that some of the chief officials honestly formulated rules for safeguarding the health of the inhabitants, but certainly, in actual practice, the elaborate quarantine arrangements were carried out with the sole object of blackmailing travellers and filling the pockets of officials. The lazarettos were death-traps and the hotbeds of epidemics.

The Turkish Customs were of a like character. (The Government Treasury suffered from the absurdities of a system that farmed out the privilege of receiving bribes from

merchants and travellers who brought goods into the country. There were custom-houses everywhere; the officials at Busrah would board the steamers and worry the passengers for paltry presents. Then, again, at Bagdad another set of officials had to be similarly satisfied, and so on at every large town in Turkey.

My valuable library was the bane of the Bagdad censor and an awful grief to my innocent heart when first I wandered abroad. Six hundred precious books were strewn for weeks about the floor of the censor's office and frequently trampled underfoot. The young Jewish interpreter was supposed to read them through and scrawl his name, without a capital letter, over the front page of every volume before it could be passed. Week by week he came to my house beaming with smiles, expecting a few silver coins, which added considerably to the facility with which he reviewed my scholastic treasures in many hitherto unknown tongues. A brand-new copy of the "Historical Geography of the Holy Land," with seventy other similar valuable books, were pilfered from me by the Chairman of the Council of Education. In spite of much correspondence, and even an appeal to Constantinople, such dangerous geographical volumes could not possibly be allowed to enter the enlightened city of Bagdad.

I opened book stores in Mosul and in Bagdad, and sent my agent on a long journey to Beyrout that he might purchase stock from the different publishing houses of that great Turkish city. I determined to sell nothing that was not officially permitted or produced in the Turkish Empire itself. Hundreds of books, however, were purloined by the censor, and amongst them three dozen copies of "The Arabian Nights' Entertainment," in Arabic, published by a Beyrout press, were ruthlessly destroyed, so the Turkish officials told me ; but I saw them later on being sold by my native rivals in the bazaar.

I opened the only British schools in Mesopotamia after fifteen months of wearisome conflicts with the Council of Education. One of my bosom friends and a companion in adversity, whom I frequently met at the Education Office, was the headmaster of the Turkish Military School, a refined Turk of reforming tendencies and enlightened views. He did his best for his country ; but his sufferings at the hands of the standardised Turk during the fifteen years I was intimately acquainted with him would fill a volume of a deeply depressing type.

(Mesopotamia provided a striking example of the whole corrupt and foolish system of Turkish civil administration.)

The Wali Governor bought his appointment in Constantinople. On arrival at Mosul,

Bagdad, or Busrah, his chief concern was to recoup his impoverished purse. The local chiefs, minor officials, and all those who had paid for his predecessor's friendship, must now hurry up and bring fresh presents or fall into disfavour and be deposed.

A tour of the vilayet would be undertaken as soon as possible, not for administrative purposes, but chiefly for finding out what means there were of squeezing the sheikhs and the populace. The prisons at such times were filled not with criminals, but with recalcitrant chiefs who, for some reason or other, had failed to produce the dues which the Governor had imposed.

The construction of roads, railways, and works of public utility was impossible by such methods. They took too long to bring adequate remuneration to the promoters of such schemes, and Turkish governors were being constantly changed through the appearance at the Sublime Porte of a higher bidder for the coveted post.

The average Turkish official found it more convenient to make terms with the ruffians of the Empire and the robber bands. The truly respectable Arabs looked with disdain upon the Maadani tribes of Lower Mesopotamia, who were expert thieves, as the British troops learned to their cost, when so often blankets, bedding, crockery, and saddlery took to themselves legs, and even a

Mesopotamia :

marquee under *force majeure* walked away one night from the British camp.

It paid the Turkish officials to share the spoils with these uncouth gipsies. They could easily pretend abhorrence of their crimes, and when, by a stroke of good luck, the Arabs robbed a consul instead of a pious pilgrim the Turks could display their zeal for righteousness by hurrying forth with a punitive expedition and depriving the poor robbers of their promised share of all last season's loot.

When approaching Kerkuk on one occasion, we suddenly espied a band of the terrible Hamavand. The zaptiah warned me to hide my money at the bottom of my Wellington boots, to put on my blue goggles and sun helmet so as to look as dignified a European as possible, while he himself rode ahead to parley with the robber chief. Silently and solemnly we approached the band of over fifty well-armed horsemen. Suddenly the chief's son dashed out from amongst the others and came galloping on towards me. He raised his rifle, and I feared the Turkish zaptiah had failed to come to terms with the chief, so that we were doomed to be robbed. It was only when the muzzle of his gun was within a couple of yards of my breast that he suddenly burst into laughter, swerved round, and exclaimed that he was only showing me what a clever man he was,

and that because I was an Englishman his father's men would do us no harm.

When we reached the city we found the Kaimakam or Deputy-Governor had been practically a prisoner in the Government House for a few days as these Hamavand had peppered his doors and windows with rifle fire because he had dared to claim too large a share of the spoils acquired by their recent ravages on passing caravans.

The inhabitants of Mosul habitually referred to Mustapha Pasha as "The Pig with a Gun," for the story is current that a wild boar desolated the gardens around a certain village. The terrified villagers were unable to deal with their enemy. They hired a famous hunter, who arrived with his gun ready for the fray. At length he sighted the boar, which made a desperate dash at the hunter, who funked the situation, turned to flee, was overtaken by the boar, which caught the strap of the gun with its tusk, and dashed past with the rifle hanging around its neck. The villagers angrily exclaimed: "We paid you to deliver us from the pig that ravaged our crops, but now you have left us a pig with a gun!"

Mustapha Pasha was a terror to travellers and the inhabitants of the country for many miles north of Mosul. The Turkish authorities, who bleed their subjects with excessive taxation, were unable to suppress the

marauder, so they elevated him to the rank of a pasha, and enrolled his tribe of Kurdish ruffians into the ranks of the regular army with the dignity of the famous Hamidieh.

I have often listened to the bitterest complaints launched by all sections of the population against the Turkish tax-collectors. A village was ordered to pay one-tenth of its produce to the Government. The tax-collectors, with their escort, were billeted on the villagers for weeks. Worthless receipts were frequently foisted upon the chiefs, the numbers were constantly tampered with, with the net result (that the greater part of the village produce was appropriated by the tax-collectors) and the amount that was left to the villagers was barely sufficient to clothe them in rags and to enable them to keep body and soul together.

I reached the Moslem village of Deli Abbas on one occasion just a few hours after the arrival of the tax-collectors and their military escort. We could find no shelter in the town as every khan and vacant room was occupied. In a back street we were advised to hammer at the door of a closed shop. Some of the neighbours told us that the owner was dead ; but when they understood I was an Englishman, who has a reputation in Mesopotamia for paying his debts and keeping his plighted word, the dead man came to life again, and quietly placed his house at our disposal.

Turkish despotism has recorded its devilry on the pages of history in letters of blood ; it has recently threatened to annihilate all its subject-races—the Jews of Palestine, the Arabs of Syria, the Druzes of the Lebanon ; it has gloated over the woes of Armenia, the worst the world has ever heard ; it has blighted the fairest lands of the Levant ; it has made Mesopotamia the vale of misery. And will not countless myriads, for centuries to come, curse that fatal day when Turko-Prussian militarism combined to slaughter mankind by millions, to obliterate civilisation, and to drive humanity to a terrestrial hell ?

PART III.

MESOPOTAMIA : ITS FUTURE PROSPECTS.

IT is no exaggeration to say that the whole world's peace, its progress, and prosperity hang largely upon the settlement of the many problems associated with this unique country of Mesopotamia.

(1) The development of its natural resources is a matter of some importance to multitudes.) (2) (The reopening of its ancient highways and the construction of great trunk railways to India and the Far East are matters of still greater importance, especially to the inhabitants of the Eastern Hemisphere.) (3) But of the very deepest concern to all mankind is the prospect that in the settlement of Mesopotamia and the adjacent lands of Islam lies the possible doom of despotism and the dawn of a better era for the inhabitants of all five continents.

(1) Half a century may be needed for the reforestation and recovery of a land like Palestine, (but a very few years will suffice for restoring prosperity to Mesopotamia.) (Its rich alluvial plains are capable of immediate developments, irrigation schemes have already been thought out, and modern engineering skill can quickly transform this desolate land

into one of the finest wheat-fields in the world.) Such a development alone would obviously benefit the working classes of Europe, for so great an increase in the world's wheat supplies would doubtless reduce the price of the peoples' bread. There are also excellent prospects for the cultivation of cotton, for the further extension of the remarkably fruitful date gardens and orange groves, for the breeding of ponies, and the rearing of Angora goats, which produce the famous silky wool so highly prized by manufacturers. (The vast undeveloped oilfields are of priceless value at a time when our needs for this essential commodity have so enormously increased) when nearly every engine and all the most modern ships are being constructed to be run by oil fuel.

(The Anglo-Saxon race for over a century has done much to foster improvements in these afflicted lands) Comfortable river steamers have regularly plied between Bagdad and Busrah, and along the Karun River to Ahwaz. Enormous quantities of dates, liquorice, wool, gum, valonia, and other products have been annually exported to the West by British and American merchants. Their commercial enterprises, carried on under exceptionally trying circumstances, greatly alleviated the abject poverty and squalor into which the Turks had driven the inhabitants of Mesopotamia.

British firms opened up the road from

Ahwaz into Persia, built the Hindiah barrage, introduced wool presses and ice factories, the earliest banks, and the latest machinery. They actually started, at their own expense, the camel post from Bagdad to Damascus, which was subsequently absorbed into the Turkish Postal Union.

The great oil-refining factory south of Busrah, with its wonderful wharves and other fine buildings that cover an area of more than two square miles, gives employment to nearly 7,000 men. The crude oil is brought from different wells through nearly 200 miles of pipe lines to the refinery at Abadan ; and this remarkable establishment, which has financially benefited both the Government and people of Persia more than any other commercial undertaking in the country, is the fruit of long and laborious efforts made by a British syndicate in a land of sweltering summers where dangers and difficulties abound.

(In less than two years British occupation has transformed Lower Mesopotamia into something approaching a paradise.) The population of Busrah has enormously increased, and the inhabitants have never before been so well off. Excellent wharves have been erected on the banks of the great Shat-el-Arab for the ocean-going steamers which, under the Turkish regime, took days to accomplish what can now be done more

economically in a few hours. Every creek has been bridged in this "Venice of the East"; numbers of roads have been made; electric light has been installed; electric trams have invaded this long-neglected port; while an equally wonderful transformation is already taking place in the city of Bagdad. Thousands of men have repaired the river banks, the Euphrates is becoming navigable, and for the first time for centuries there have been no pernicious floods this year in Lower Mesopotamia. Two railway lines are spreading away to the north; an embankment of twenty miles long has recovered for agricultural purposes a marshy area of forty-eight square miles, where wheat-fields, vegetable gardens, dairy farms, and poultry farms, all under the care of professional farmers from India, are adequately providing for the needs of the British Forces in Mesopotamia and preparing to send food supplies to the British Isles. These astoundingly rapid changes are only illustrations of what can easily be done by a just and wise administration of a fertile country like Mesopotamia.

Such developments have their counterpart, on a much larger scale, in India, for the armed forces of Great Britain prove to be the harbingers of prosperity and peace, while the Turkish domination is everywhere coincident with ruin and decay.

There is one more point which ought to be

mentioned in this connection. It is surely of some interest to civilised peoples that the ancient monuments of Mesopotamia should be properly preserved. The land for centuries has been almost closed to travellers from the West ; but if only the treasures of Babylon and Nineveh could be made as accessible as the treasures of Egypt, historians would gain a clearer insight into the records of the past, and the modern inhabitants of Mesopotamia would be enriched by the stream of tourists who would greatly value a visit to this wonderful land.

(2) Germany claims to be credited with the greatest discovery of modern times. One of her newspapers declared that "the year 1492, when America was discovered, and 1916, when the colossal idea of the new road to India was born, are dates which generations to come will regard as co-equal and epoch-making." Her claim is unjustified, though it is probably true that the reopening of this old highway will prove to be of equal importance to the world as the discovery of America by Columbus ; but the credit of the so-called discovery belongs to Great Britain, who published plans for the opening up of the Euphrates Valley before Unified Germany was born.

I have an interesting photograph of a tablet erected near Busrah to the memory of a number of British officers who lost their lives near Anah at the time of the Euphrates

Expedition in 1836. It is also common knowledge that in 1851 we held concessions for the Euphrates Valley railway. The time, however, was not ripe for the development of this important route, for the retrograde Ottoman Empire blocked the way. We did our utmost to introduce reforms into Turkey, hoping that she would fall into line with European standards and co-operate with civilised nations in the development of an important area of the earth's surface. Germany's evil counsels, however, have tended to frustrate our efforts to secure the reform of Turkish administration, and, with the aid of her Bagdad railway schemes, Germany made a deliberate attempt to establish in the most strategic centre of the earth a formidable coalition of irresponsible despotic monarchies from the banks of the Elbe to the banks of the Indus. In spite of her attempts to wreck modern civilisation, the world will still be able to make a rapid recovery on one essential condition—that the new highways from West to East shall be kept free from the influence of despotisms that defy the rights of humanity and ignore the fundamental principles of our twentieth-century civilisation.

It was in the days of Queen Elizabeth, before the East India Company was started, that Aleppo—now the pivot of Germany's Asiatic schemes—became the centre of Britain's overseas commercial enterprises and

the headquarters of our great Levant Company. The silks from China had been coming, for hundreds of years, by slow caravan process across the old "Silk Street" route from Pekin to the Mediterranean, and British merchants forwarded from Alexandria the treasures from the East, by sailing ships, to the British Isles. The discovery by Vasco da Gama of the Cape route to India ruined many of the ports in the Mediterranean, and eventually led to our evacuation of Aleppo. The remarkable developments in navigation by steamships, combined more recently with the opening of the Suez Canal, may have led us to rely too confidently upon the permanence of the superiority of our overseas communications.

The many important changes which have been taking place on land must not be overlooked. [Railway communications have been vastly improved.] I have journeyed from Constantinople to Ostend in three and a half days with the greatest ease; and, when the new Asiatic lines are completed, it will be possible to travel comfortably from London to India in seven days. It is furthermore conceivable that these trunk lines will be extended without a break to Madras, when we shall have a journey of fifteen days from London to Australia—by railroad to Madras and steamship to Port Darwen.

Since the outbreak of war the Germans

have completed a new line of railway through Palestine to the Egyptian frontier, and we also have constructed a railway across the Sinaitic Desert to Palestine. There is no doubt, therefore, that the Cape-to-Cairo railway will soon be connected with the great European and Asiatic systems by a line running through Palestine to Aleppo. Then the old "Silk Street" route, so recently explored by Sir Aurel Stein, will doubtless be covered more or less with a railway system; and we may consequently anticipate the joining up of rapid communications over these many ancient highways, in practically a straight line from London to India and Australia, from Paris to Peking, and from Petrograd to the Cape. All these will pass through Aleppo, now the headquarters of Germany's Bagdad railway schemes, which makes it a matter of vital interest and concern to the millions of the British Empire that Germany's attempts to destroy our shipping coincide with her effort to grasp by force of arms the most important lines of overland communications. It must not be forgotten that these direct overland routes will assume still greater importance with the establishment of aviation stations. We are making wondrous strides in aerial navigation, and when recent inventions are diverted to peaceful purposes it will be possible, we are told, to send mails and passengers from

London to India in three days by aerial navigation in practically a straight line. Lord Montagu suggested a route across Russia to the Punjab, but it is more probable that aviation stations will be established across the continent of Europe and down the Euphrates Valley. If the journey will take but three days from London to India, with plenty of time for rest and sleep on the way, may it not soon be possible for our colonial representatives of the contemplated Imperial Parliament to come within a week from the shores of Australia to the portals of Westminster? These tremendous changes which are now taking place amongst civilised peoples make it certain that the central portion of the Eastern Hemisphere, which forms a natural connecting link between the three continents of Europe, Asia, and Africa, will undoubtedly become one of the most important portions of the earth's surface. These changes will facilitate the opening up of enormous countries hitherto largely closed to modern commercial enterprise or exploited only by a few adventurous Europeans. The vast populations of Asia and Africa will be able to play a better part in the development of the continents and the progress of humanity. There is plenty of room for everybody; and what a difference it may make to Europe, with the new facilities afforded to emigration and colonisation, when

the Antipodes can be brought so near to the congested areas of European lands !

(3) Is it possible, we inquire with bated breath, that so optimistic an outlook is justified by the trend of current events ? Is the time ripe for such momentous changes, for the entry of mankind into a new era so markedly different from all that is gone before ? An encouraging answer comes to us from Mesopotamia and the lands of the Middle East. We must look beyond this recrudescence of savagery in Europe, beyond the remarkable revolution in Russia, to the still more wonderful revolt that has taken place in the lands of Islam, where two opposing forces have long been struggling for supremacy, where despotism at last has been defeated and the forces of civilisation are once more in the ascendant. When the Kaiser in Damascus stood by the tomb of Saladin and proclaimed himself the "Defender of Islam," he fondly reckoned upon the support of the Saracens to wrench from Great Britain the most peaceful and flourishing portions of the Islamic world. Now, however, when the call has gone forth from the Ottoman Khalif that the Moslem world should rise and ruin the British Empire by all the sacred sanctions of a "Holy War," we gaze with wonder and amazement at the unprecedented spectacle of Mecca, Kerbela, the Arab race, and the bulk of the Moslem

world lending valiant support to Great Britain in the last crusade for driving the uncivilised Turk, with all his despotism, from Palestine and Mesopotamia. My meaning will be obvious to those who have lived in the East, but I must make this important point a little more clear to my readers in the West.

The city of Mecca, in Arabia, is the religious centre of nearly three hundred millions of Mohammedans. The adherents of Islam are divided into two great sects : the Sunnis, to which the Turks belong, and the Shiahs, to which the Persians and large numbers of our Indian Mohammedans belong. Kerbela, which is situated in Mesopotamia, near Babylon, is considered by the Shiahs to be the most sacred city on earth. The Sultan of Turkey is nominally the religious head or Khalif of all the Mohammedans in the world, and one well-known feature of Islamic belief is the supposed sacred obligation that the true faith must be spread by the power of the sword, whenever the Khalif calls upon his people to join the "Jehâd" or Holy War. Some of my most affectionate friends in Mesopotamia were deeply pious Mohammedans, and most of them have expressed to me their dissent from the old interpretation of the Koran which justified the call to a "Jehâd" for the purpose of massacring and robbing Jews and Christians and for the enthronement of military despotism under

the cloak of religion. Hitherto, however, the old interpretation has prevailed amongst the adherents of Islam. Untold atrocities have been committed in the name of the Prophet, and vast civilisations in Europe, North Africa, India, and the Near East have been laid desolate at different times by Moslem fanaticism. But to-day we are face to face with one of the most remarkable signs of the times. At the instigation of Germany, the religious head of the Mohammedan world proclaimed a "Holy War." Every effort was made to bring it to a successful issue; intriguers in Egypt, India, and Arabia did their best to stir up the fanaticism of religious enthusiasts, and never before have Mohammedans possessed so favourable a chance of destroying their rivals and extending the faith of Islam by the power of the sword. The Shereef of Mecca was surrounded by the Turks, who garrisoned the Holy City; he was urged to lend the sanction of that sacred place to the Sultan's demands for a religious rising.

The Mujtahid of Kerbela is the most influential leader of the Shiah sect, and his co-operation was also demanded by the Turks; yet both these prominent chiefs of the Sunnis and the Shiahs, with many other distinguished leaders like the Aga Khan, the Sultan of Zanzibar, the Sultan of Muscat, the Nizam of Hyderabad, the Amir of Afghani-

stan, and the Shah of Persia, all deliberately refused to support the military despotism of the Turks, and actually took up arms in defence of the standards of modern civilisation. The Mujtahid of Kerbela sent a telegram to King George congratulating him upon the British occupation of the city of Bagdad, and the Arabic proclamation which was read to the inhabitants has been received with unbounded enthusiasm in Mesopotamia. The proclamation declared that our troops had entered Bagdad not as conquerors, but as liberators, to restore to the Arabs the heritage of their forefathers.

When I was last in Kerbela I enjoyed the privilege of a conversation with the chief Mujtahid. I happened to be visiting a former pupil of mine, now the much-respected British Consular Agent of Kerbela. The Mujtahid came into the consulate whilst I was there, and, in the course of conversation, remarked how great an admirer he was of the British race. He knew nothing of our Army and little of our Navy, except what thousands of pilgrims that came from India had told him ; but from all his visitors he gathered the same impression that the British authorities were distinguished for their honesty, truthfulness, and justice. He gave me two illustrations from his own experience, one, when Sir E. O'Malley was sent all the way from Constantinople to the city of Bagdad

for the purpose of giving a fair trial to a miserable Indian Moslem who had murdered a fellow pilgrim, when the busy manager of the Imperial Ottoman Bank and other leading Englishmen of the city were cited to form the jury on this memorable occasion. What trouble and expense for the purpose of dealing justly with a miserable outcast who happened to be a British Indian subject, and what a contrast to the corruption of the Turkish courts! Then, also, he reminded me that a former King of Oudh had, at his demise, left the whole of his private fortune for the endowment of the charities of Kerbela. The annual income from these invested funds, amounting to thousands of rupees, passed annually through the British Consulate-General to the Consular Agent at Kerbela, and was faithfully distributed every year to the rightful claimants without the smallest diminution or loss. Some of it could easily have been "eaten," as the Arabic language would say. "For all the officials of the Turkish Empire," said the Mujtahid, "are gifted with 'sticky fingers.' Whenever money has to pass through their hands, and especially if it should happen to be for charitable purposes, some of it inevitably remains behind. Don't you remember," he said, "that the Sultan Abdul Hamid was once watching a European conjurer who was supposed to be swallowing silver spoons. An ambassador by

his side remarked how wonderful it was. 'But,' said the Sultan, 'we can do more wonderful things in Turkey, for I once had a Minister of Marine who swallowed a battle-ship. The money was provided, the battle-ship never appeared, and the money disappeared.' But," continued the Mujtahid, "the money from India meets with no accidents," and he congratulated me upon having established the only British schools in Mesopotamia, "for," he declared, "your pupil Mirza Hasan lives up to his education, as an honourable representative of British ideals." For twenty years we have watched the changes taking place amongst the Arabs, largely due to the leaven of civilisation which has reached them from India and Egypt ; we have seen their response to the influences of modern education ; they have begun to move with the times, but they have left the Turks still wallowing far behind in sixteenth-century savagery.

The Arabic-speaking world extends from Arabia, in the south, through Palestine and Mesopotamia, to Aleppo, in the north. The whole of this country must be set free from the blighting influences of Turkish despotism. If the Arabs are freed, they will gradually recover their strength, and the world will make headway with the breaking down of the one great barrier that has blocked the peoples' progress for nearly five centuries. If

the Turks are permitted to govern anybody but themselves, if they continue to command the world's important highways, then humanity will suffer, and military despotism may once more regain the ascendant. If Turkey remains anywhere south of Aleppo she would be able to force the Mohammedan world to fall back from the point of vantage which it has now safely reached, and would compel it to reassert the old interpretation of a fanatical "Jehâd." If only the Arabs can retain their freedom without the interference of European politicians they will themselves be able to deal with the delicate religious questions involved in the fall of the Ottoman Khalifate. The maintenance of peace in the East as well as the progress of Western peoples depend mainly upon the permanent expulsion of the Turk, with all his robber bands, from the world's highways, and the grant of a charter of freedom for the dwellers in Mesopotamia.

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THE GERMAN DREAM "BERLIN TO BUSRAH" AND OTHER DEVELOPMENTS.





7

The "SINCERE CHANCELLOR"

BY
FERNAND PASSELECQ

Reprinted by permission from the
"NINETEENTH CENTURY AND AFTER"
for May, 1917

T. FISHER UNWIN, Ltd.,
1, ADELPHI TERRACE, LONDON.

1917.

PRICE ONE PENNY.

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THE
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" Sa *parole* fut peut-être sincère ; mais sa *pensée* était double."

THE discussion over the "Scrap of Paper" is considered to have been closed for some time. This is, however, erroneous. Nothing is ever closed where Germany is concerned. The German character has with many other things, good and bad, the peculiarity of being adhesive, persistent, and recurrent. In consequence Germany has reopened the discussion upon the famous interview of August 4, 1914, between the Chancellor Theobald von Bethmann-Hollweg and the British Ambassador, Sir Edward Goschen. The *Nieuwe Rotterdamsche Courant* of January 25, 1917, has published a correspondence of an obviously German or Germanophile origin, with the object of exonerating the Imperial Chancellor from the reproach of having at this historic interview qualified the treaty guaranteeing Belgian neutrality as a "scrap of paper." The *Kölnische Volkszeitung* (No. 125, of February 14, 1917) only too willingly reproduced this justification, and other German newspapers followed suit.

This correspondence brings into the discussion neither unpublished documents nor new argu-

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ments, but makes the pretence of wishing to place facts upon an impartial basis, after the passions of the first moments have been assuaged. The author evidently counts upon the forgetfulness or inattention of the public which has no longer the documents before its eyes. It therefore seems desirable to recall them, and to determine the final conclusions of historic criticism upon this momentous incident at the outset of the war.

The correspondence published by the Dutch paper limits itself to opposing, point by point, to Sir Edward Goschen's report the embarrassed and somewhat confused explanation given by the Imperial Chancellor to the Associated Press representative on the 25th of January, 1915 (*Kölnische Zeitung*, January 27, 1915; *The Times*, January 26, 1915; *Basler Nachrichten*, January 29, 1915, etc.).

The reader belonging to neutral countries finds himself, therefore, from the point of view of the position of the problem, simply faced by two contradictory and irreconcilable narratives of one and the same fact: one, the British Ambassador's, almost contemporary with the fact itself, since it is dated the 8th of August, 1914; the other, the German Chancellor's version, subsequent by more than five months.

The first is a diplomatic report, the second manifestly bears the stamp of a brief.

In his report of August 8, 1914, addressed to

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Sir Edward Grey, Sir Edward Goschen says
(English Blue Book, No. 160) :—

I found the Chancellor very agitated. His Excellency at once began a harangue, which lasted for about twenty minutes. He said that the step taken by His Majesty's Government was terrible to a degree; just for a word—"neutrality," a word which in war time had so often been disregarded—just for a scrap of paper Great Britain was going to make war on a kindred nation who desired nothing better than to be friends with her. All his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since his accession to office had tumbled down like a house of cards. What we had done was unthinkable; it was like striking a man from behind while he was fighting for his life against two assailants. He held Great Britain responsible for all the terrible events that might happen. I protested strongly against that statement, and said that, in the same way as he and Herr von Jagow wished me to understand that for strategical reasons it was a matter of life and death to Germany to advance through Belgium and violate the latter's neutrality, so I would wish him to understand that it was, so to speak, a matter of "life and death" for the honour of Great Britain that she should keep her solemn engagement to do her utmost to defend Belgium's neutrality if attacked. That solemn compact simply had to be kept, or what confidence could anyone have in engagements given by Great Britain in the future? The Chancellor said: "But at what price will that compact have been kept? Has the British Government thought of that?" I hinted to his Excellency as plainly as I could that fear of consequences could hardly be regarded as an excuse for breaking solemn engagements, but his Excellency was so excited, so evidently overcome by the news of our action, and so little disposed to hear reason that I refrained from adding fuel

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to the flame by further argument. As I was leaving he said that the blow of Great Britain joining Germany's enemies was all the greater that almost up to the last moment he and his Government had been working with us and supporting our efforts to maintain peace between Austria and Russia. I said that this was part of the tragedy which saw the two nations fall apart just at the moment when the relations between them had been more friendly and cordial than they had been for years. Unfortunately, notwithstanding our efforts to maintain peace between Russia and Austria, the war had spread and had brought us face to face with a situation which, if we held to our engagements, we could not possibly avoid, and which unfortunately entailed our separation from our late fellow-workers. He would readily understand that no one regretted this more than I.

After this somewhat painful interview I returned to the embassy and drew up a telegraphic report of what had passed. This telegram was handed in at the Central Telegraph Office a little before 9 p.m. It was accepted by that office, but apparently never dispatched.

The Chancellor, von Bethmann-Hollweg, in his interview of the 25th of January, 1915, states (*Vossische Zeitung*, January 28, 1915; *New York Times*; *Current History*, vol. i, p. 1120):—

My conversation with Sir E. Goschen occurred on the 4th of August. I had just declared in the Reichstag that only dire necessity, only the struggle for existence, compelled Germany to march through Belgium, but that Germany was ready to make compensation for the wrong committed. When I spoke I already had certain indications, but no absolute proof, on which to base a public accusation that Belgium had long before abandoned its neutrality in its relations with England. Nevertheless,

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I took Germany's responsibilities towards neutral States so seriously that I spoke frankly on the wrong committed by Germany. What was the British attitude on the same question? The day before my conversation with the British Ambassador, Sir Edward Grey had delivered his well-known speech in Parliament wherein, while he did not state expressly that England would take part in the war, he left the matter in little doubt. One needs only to read this speech through carefully to learn the reason of England's intervention in the war. Amid all his beautiful phrases about England's honour and England's obligations we find it over and over again expressed that England's interests—its own interests—called for participation in war, for it was not in England's interests that a victorious, and therefore stronger, Germany should emerge from the war. This old principle of England's policy—to take as the sole criterion of its actions its private interests regardless of right, reason, or considerations of humanity—is expressed in that speech of Gladstone's in 1870 on Belgian neutrality from which Sir Edward quoted. Mr. Gladstone then declared that he was unable to subscribe to the doctrine that the simple fact of the existence of a guarantee is binding upon every party thereto, irrespective altogether of the particular position in which it may find itself at the time when the occasion for action on the guarantee arrives, and he referred to such English statesmen as Aberdeen and Palmerston as supporters of his views.

England drew the sword only because she believed her own interests demanded it. Just for Belgian neutrality she would never have entered the war. That is what I meant when I told Sir E. Goschen, in that last interview when we sat down to talk the matter over privately man to man, that among the reasons which had impelled England into war the Belgian neutrality treaty had for her only the value of a scrap of paper. I may have been a bit excited and aroused. Who would not have been at seeing the hopes and work of the whole period of my

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Chancellorship going for naught? I recalled to the Ambassador my efforts for years to bring about an understanding between England and Germany, an understanding which, I reminded him, would have made a general European war impossible, and have absolutely guaranteed the peace of Europe. Such understanding would have formed the basis on which we could have approached the United States as a third partner. But England had not taken up this plan, and through its entry into the war had destroyed for ever the hope of its fulfilment. In comparison with such momentous consequences, was the treaty not a scrap of paper?

England ought really to cease harping on this theme of Belgian neutrality. Documents on the Anglo-Belgian military agreement, which we have found in the meantime, show plainly enough how England regarded this neutrality. As you know, we found in the archives of the Belgian Foreign Office papers which showed that England in 1911 was determined to throw troops into Belgium without the assent of the Belgian Government if war had then broken out. In other words, do exactly the same thing for which, with all the pathos of virtuous indignation, she now reproached Germany. In some later dispatch Grey, I believe, informed Belgium that he did not believe England would take such a step, because he did not think English public opinion would justify such action, and still people in the United States wonder that I characterised as a scrap of paper a treaty whose observance, according to responsible British statesmen, should be dependent upon the pleasure of British public opinion, a treaty which England herself had long since undermined by military agreements with Belgium. Remember, too, that Sir E. Grey expressly refused to assure us of England's neutrality even in the eventuality that Germany respected Belgian neutrality. I can understand therefore English displeasure at my characterisation of the treaty of 1839 as a scrap of paper, for this scrap of paper was for England extremely

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valuable, as furnishing an excuse before the world for embarking in the war. I hope, therefore, that in the United States you will think clearly enough and realise that England in this matter, too, acted solely on the principle, "Right or wrong, my interests."

Such are the two versions. To which of the two is the serious mind entitled to give credence? The conversation of the 4th of August between the Chancellor and the British Ambassador having taken place without witnesses, it is the question of the truthfulness and even the sincerity of those two speakers that has to be really settled.

The hypothesis of a simple misunderstanding may be disposed of, the Chancellor having shown himself so emphatic on the 25th of January, 1915. According to his assertion he expressed himself in so clear a manner on the 4th of August that his visitor could not possibly have misunderstood his meaning. The German Press, in his defence, pretends that the version of the 25th of January, 1915, is the only one in harmony with that attitude of "noble frankness" which the Chancellor adopted, a few hours prior to the interview, in his speech in the Reichstag on the 4th of August, 1914; that Press also, in consequence, bases the discussion upon the ground of the Chancellor's sincerity.

Let us therefore follow them over their own ground, observing however in advance that, in taking up the case from this standpoint, we do

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not propose treating either von Bethmann-Hollweg or Sir Edward as private individuals but as official representatives of their respective countries.

From this standpoint, what do the official papers composing the *dossier* reveal?

The English side produces only one document: the narrative contained in the report of the British Ambassador, drawn up in London four days after the interview. But there is in existence one other piece of evidence which has never been published, and which would enable us to check the exactitude of the first, namely, the telegraphic minute of the interview handed in on the same night shortly before nine o'clock by the Ambassador at the Central Telegraph Station in Berlin, and addressed to the Foreign Office, which telegram was accepted but never transmitted by the German officials. The latter preserved a copy, and the German Government could produce it, but has never done so, whilst allowing the German Press to comment upon the tardy drawing up of the report of the 8th of August, 1914. One may—nay, one must—reasonably infer from this abstention that the telegraphic minute of the interview would, if it were disclosed, confirm the report.

Moreover, the version of the report is indirectly corroborated by the uncontested accounts of other interviews which the British Ambassador

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had on the same day (August 4) with other eminent German officials, either *before* the "scrap of paper" interview (interviews at 9 a.m. and 7 p.m. with the Secretary of State, von Jagow) or *after* (interviews at 9.30 p.m. with the Under-Secretary of State, von Zimmermann, and later in the night with Herr von Jagow).

In those different conversations, from the German side, all efforts were concentrated upon persuading England to reconsider her decision, and various reasons were invoked: the close racial affinity between the British and German peoples, the recent tightening of Anglo-German relations, the sincere co-operation of their diplomacy in the course of the last few years, and finally the terrible blow which British intervention would deal to the Empire, already at grips with formidable enemies. To all these arguments Sir Edward Goschen had only one invariable answer, that the honour of Great Britain compelled her to keep her engagements as guarantor of Belgian neutrality, and that the general interest of Europe and Great Britain, as well as the maintenance of the existence of international society, demanded that such treaties should be inviolably respected.

In none of these interviews is there any allusion whatsoever to a disregard, either by Belgium or by England, of the treaty of 1839.

On the other hand, the Secretary of State, von

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Jagow, like the Chancellor himself, spontaneously confessed therein the *injustice* which Germany, under pressure of strategic reasons, had *regretfully* committed.

A similar confession and a stronger expression of the same feeling of regret are to be found in the account of the interview which the Secretary of State, von Jagow, had on the same 4th of August with Baron Beyens, Belgian Minister in Berlin, and of which the latter at once sent a telegraphic report to Brussels (Second Belgian Grey Book, No. 25).

To sum up: (1) The British Ambassador's version is plausible and perfectly coherent in all its parts.

(2) The version is in no way contradictory of any of the other contemporaneous accounts of the events of that fateful day.

Quite a contrary fate befalls the German version of the 25th of January, 1915.

The official representative of the German Empire has indeed given proof of an extraordinary versatility as regards his interview with the English Ambassador on the 4th of August, 1914.

Wishing to demonstrate that he could not reasonably be taken as having meant then that the guarantee of Belgian neutrality had in the eyes of Germany no more value than a "scrap of paper," the Chancellor alleges on the 25th of January, 1915, that as far back as the 4th of

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August, 1914, he already knew—without yet possessing formal evidence—that Belgium had secretly bartered her neutrality for the benefit of England; consequently he had merely meant that by Belgium's and Great Britain's own action and wrong-doing the treaty had declined, so far as the contracting parties in general were concerned, to the value of a "scrap of paper."

Unfortunately for the Chancellor, this belated and highly interesting interpretation is contradicted by the official declarations which he made prior to the interview.

As a matter of fact the Chancellor confessed spontaneously in the Reichstag, on the 4th of August, 1914, that the invasion of Belgium was an act "contrary to the dictates of International Law," and that the "protestations of the Governments of Luxemburg and Belgium were justified." He went even further, and stated that in acknowledging Germany's "misdeed" "he spoke frankly" (*ich spreche offen*).

In other words, in "pleading guilty" the Chancellor formally begged his auditors in the Reichstag to submit themselves unreservedly to the frankness of his avowal. By confessing the injustice (*Unrecht*) committed by Germany, he attested that all reticence was banished from his mind. That is to say, he excluded in advance and from the first moment the explanation of any mental reservation, by which **five months later**

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he endeavoured to legitimise the substance of his *tête-à-tête* conversation with the British Ambassador on that particular night.

Furthermore, we have seen that a similar avowal of an *injustice committed for strategic reasons* was made by the Secretary of State, von Jagow, in his official conversations both with Sir Edward Goschen at 9 a.m. and at 7 p.m., and later in the evening with Baron Beyens.

Again, on the 8th of August the confession was implicitly reiterated by the German Government when, making an offer to Belgium of a separate peace (Belgian Grey Book, Nos. 60, 62, 63, 64, and 65), they apologised for having been compelled by events to enter Belgium by force.

Now, in order to prove injustice and wrongdoing on Germany's part from the point of view of International Law, the treaty of 1839 must needs be considered as legally intact. Such was certainly in those days the personal conviction of official Germany. Let us recall that only one year previously, in April, 1913, the Secretary of State, von Jagow, had replied officially to that effect to a question put by Liebknecht at a sitting of the Budget Commission in the Reichstag, and that in 1911 the Chancellor himself in reply to a question of the Belgian Government gave, in unequivocal terms, the assurance of Germany's fidelity to the treaty.

It was only after the rejection of the offer of a

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separate peace that the German Government started attacking Belgium's political honour and organising that famous campaign of Press and Governmental declarations which are still fresh in all memories. From that time Germany shrank from no inconsistencies, left no means untried, in order to impress ill-informed neutral opinion.

On the 13th of October, 1914, the *Norddeutsche Allgemeine Zeitung*, in an official note, announced that certain documents (the so-called Anglo-Belgian Conventions, Ducarne-Barnardiston of 1906 and Jungbluth-Bridges of 1911) had been found in Brussels, revealing, according to that paper, the existence of a secret military agreement concluded in 1906 between Great Britain and Belgium. The semi-official journal stated that this fact was known in competent high German circles long before the war. In contrast with the official German declarations of 1911 and 1913, this "long before the war" appears somewhat astonishing.

On the 2nd of December, 1914, in a speech before the Reichstag, the Chancellor strove to discount the value of his declaration of the 4th of August. For the first time, he declared that Belgium's felony was known to him before the 4th of August, at any rate by assumption, and that in order to have asserted this then, he only needed certain documentary proofs, such as those which had just been discovered in the Belgian archives in Brussels.

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The Chancellor repeated and developed this affirmation in his interview of the 25th of January, 1915, and German propaganda in its turn exploited the theme against Belgium and England to excess for a whole year, but not without having first altered the word "conversation," as it was in the Ducarne report, to "convention."

In the end, however, the truth came to light.

Inadvertently in 1916, during a debate in the Reichstag, a confession of the mendacity of the explanation escaped from the lips of the Secretary of State, von Jagow. In fact, at the sitting of the 6th of April, the Chancellor's representative declared, in reply to a question from the Socialist member Haase: "When the Chancellor made his declaration of the 4th of August *he could not have known that Belgium had already secretly taken sides.*"

Herr von Jagow accordingly took the trouble personally to demonstrate that the intimate conviction invoked by the Chancellor on the 25th of January, 1915, with a view to lending plausibility to his tardy explanation of the expression "a scrap of paper," was a pure invention on his part.

Certain German professors imagined they would help the Chancellor out of the hole by affirming that on the 4th of August he spoke, and only could have spoken, as a "politician," as a "diplomatist," eager to show Belgium an easy way of retracting her former refusal.

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But let us remark that Herr von Jagow said : "The Chancellor could not have known" ; and not : "The Chancellor could not have said."

Even admitting the professors' hypothesis, another question, and a very serious one, would still arise regarding the reliance to be placed on the Chancellor's word : When are we to believe the Chancellor's statements ? On the 4th of August, 1914, when he solemnly declared he was speaking with the utmost candour, or on the 25th of January, 1915, when, for the purposes of his cause, he affirmed that he had lacked frankness on the 4th of August, while at the same time protesting that he had been most frank ?

Whatever the answer may be, one point remains beyond dispute : the Chancellor's word was too wanting in consistency to be admitted in this controversy as an argument, or even as a mere reference, by any prudent historian.

Then comes into line the deciding factor of ordinary common sense, patent to every one, which entirely denudes the Chancellor's version of all plausibility.

He made, so he pretends, on the 4th of August a supreme effort to win England back to a policy of neutrality and of abstention, in spite of the invasion of Belgian territory, which had already begun. Who can be brought to believe that the best way to succeed in this object was to maintain with insolence to the face of the British

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Ambassador that he was only making a hypocritical display when he affirmed that for Great Britain the respect of her engagements was a question of life or death, and to represent to him that as a matter of fact she valued a treaty of guarantee bearing her signature no more than she did a "scrap of paper" ?

Such an insult would have aroused even the most phlegmatic diplomatist, and would alone have been enough to confirm Great Britain in her determination to go to war. No doubt German diplomacy is considered, in Germany as elsewhere, as being void of finesse and tact ; but, really, who would have believed it possible that an Imperial Chancellor could have blundered in such a manner at such a moment ? And who could believe in his declaration when he confers upon himself this brevet of incapacity ?

But, then, how are we to disentangle the contradiction existing actually between the declaration made to the Reichstag and the "scrap of paper" statement ?

The mystery can easily be solved. In the Reichstag the Chancellor was appealing to public opinion, and particularly neutral public opinion. This latter professes an absolute faith in treaties ; it regards the treaty of 1839 as one of the essential foundations to the balance of European power and to the constitution of international society. It would have indeed been imprudent to trample

THE "SINCERE CHANCELLOR"

under foot such convictions ; but, on the other hand, it was possible to attenuate the scandal, more or less, by frankly admitting the crime, with a promise of reparation as soon as possible.

In his interview with the British Ambassador the Chancellor was, as he admits himself, *en tête à tête*. He was arguing as man to man with the diplomatic representative of a country which had sincerely endeavoured to arrive at a *rapprochement* with Germany, and no doubt the Chancellor flattered himself that he would succeed in persuading Sir Edward to share those views of *Realpolitik* which inspired German diplomacy. Von Bethmann-Hollweg thought that he could speak to an English Ambassador as he would have addressed a representative of Austria, Turkey, or Bulgaria.

Hence the contrast in the avowals and the words used.

It is clear that in both cases the Chancellor showed an equal ignorance of psychology.

Nothing, however, prevents us from admitting the fact that on both occasions his *word* remained, after a fashion, sincere ; if it was not the same in each case, it was because he had not the same audience, and because his *thought* was double-dealing.

The Richmond Ecclesiastical Trial

THE CHARGE TO THE TRIERS

BY

HENRY BUDD, Esq.

Chancellor of the Diocese of Pennsylvania

OPINION

BY

THE REVEREND FORDYCE H. ARGO

Rector of the Church of the Holy Nativity, Rockledge, and Chairman
of the Board of Triers

PHILADELPHIA
November, 1917

FACTS IN THE CASE

Rev. George Chalmers Richmond had been Rector of Old St. John's Episcopal Church, Philadelphia, for six years, when in December, 1914, he was ordered presented for trial by Bishop Philip M. Rhinelander on fourteen charges. Ten of these related to matters connected with Mr. Richmond's conduct of the pastorate of St. John's, and four had to do with private and public criticism of Bishop Rhinelander in regard to his lack of interest in adapting the Gospel to modern social and industrial problems. The great fact to be noted is this, the man who originated the charges and engineered the presentment—Francis A. Lewis—was the Bishop's private counsel. Not a single member of Mr. Richmond's parish signed the presentment, and not a single member of any adjoining parish had anything to do with bringing on the trial.

In November, 1915, a verdict was rendered, the triers finding Mr. Richmond "guilty" on those charges relating to his criticism of the Bishop, but acquitting him on all the others. It might be stated also that the laymen who signed the presentment were personal friends of Francis A. Lewis, and testified on the stand that they signed at his request, without reading the original charges. Mr. Richmond was suspended from priestly functions for one year.

Hardly had a verdict in the first trial been given when Bishop Rhinelander (Francis A. Lewis being his private counsel) allowed Mr. Richmond to be presented a second time for trial on 140 charges, which later were reduced to 126, involving 46 issues of fact. Some of these charges were exceedingly foolish, as in the Anna Philips charge of assault and battery, where Mr. Richmond in endeavoring to preserve order and decorum at a Sunday night service led a young woman out of her pew into the vestibule and sent her home.

The second trial began November 8, 1916, and concluded July 25, 1917, Mr. Richmond being obliged to conduct his own case, to act as his own counsel and to bear his own expenses, Bishop Rhinelander, during all this time, from January, 1914, to the present, having refused even to meet him for advice and Episcopal counsel. Never in the history of the American church has so great Episcopal arrogance and insolence cursed a diocese.

On October 16, 1917, a verdict was reached. Two triers found Mr. Richmond guilty on three charges and acquitted him on all the others. The chairman, Rev. Fordyce H. Argo, dissented, finding the respondent not only absolutely innocent on all the counts, but fully justified in all his attacks on the Episcopal stupidity and ecclesiastical wickedness, which in recent years has centered in the Church House.

These two triers suspended Mr. Richmond for two years from the Episcopal ministry, and he has already entered upon his sentence.

The diocese of Pennsylvania is split in twain over the verdict, and at the present time there is arising on all sides a strong feeling that justice will not be done till Philip M. Rhinelander is brought to trial for the evil and sinful way in which he has conducted the Episcopal office, and till this so-called "leading layman," Francis A. Lewis, is hurled from his present position as ecclesiastical boss of the diocese of Pennsylvania, where for years he has been doing his "dirty work," and upheld in it all by clergymen and rich laymen who are opposed to Mr. Richmond's views on social and industrial questions.

FROM A STATEMENT BY A PROFESSOR IN THE PHILADELPHIA DIVINITY SCHOOL:

"All that Mr. Argo has said is true."

FROM A LETTER BY A PROFESSOR IN HARVARD UNIVERSITY LECTURING ON "THE GOSPEL AND SOCIAL RELATIONS":

Cambridge, Massachusetts.

My dear Richmond:

Some kind and thoughtful person has just sent me "The North American" which contains the account of your condemnation and suspension. The report of the chairman is so unusual, so wonderfully brave, so magnificent, that your friends must almost congratulate you on being its occasion. I have never read such a brave declaration. We are just about to celebrate Luther's nailing of the theses, etc. Well, there's another Luther in Pa. It must be a great comfort to you to have the facts come out—to have such a declaration made. Having punished you, will they turn about now and do the same to this young man? I am profoundly grateful that some man has come to your defence. How these three men, one dead and the two living, can recover their reputation and maintain their place of power and honor, appears to an outsider a difficult problem.

I hope the report will go far and wide, for your sake, and for the sake of the Kingdom of God, and for the honor it does the young clergyman. Blessings be upon you and upon him.

OCT. 22, 1917.

(Only a very brief portion of the charge can be given here, as it extended over three days and was most exhaustive. One whole day was devoted to the conspiracy features of the case.)

From the Charge to the Triers, July 23, 24, 25, 1917, by Henry Budd Esq., Chancellor of the Diocese of Pennsylvania

"It is, perhaps, unfortunate that such a vague offence as 'conduct unbecoming a clergyman' has been placed upon the Book of Canons. There was once set forth in that book as an offence, 'Conduct unbecoming a clergyman and a gentleman.' This was later omitted from the Canon of offences, but at the convention of 1913 it was restored in part. 'Conduct unbecoming a clergyman' was placed in the list of canonical offences, the convention, however, evidently recognizing the fact that the Canon, so far as it provided for this particular offence, might be a very dangerous weapon and a means of petty annoyance in unscrupulous hands, and, therefore, provided that a clergyman should be called upon to answer an allegation of such conduct only when it was made by the permission of a very large proportion of the standing committee of the Diocese within which the charge was brought. A charge of this character is not, in general, one which commends itself to the average fair mind. It can be made to cover so much or so little. The Canon in this particular, is very indefinite, and an indefinite law is nearly always a bad one. What is 'conduct unbecoming a clergyman?' is a question which would be answered very differently by different groups of men, in and out of the church (4725).

"I call your attention a little more emphatically to the use of the words, 'course of conduct.' The Canon defines the offence which it renders punishable as conduct unbecoming a clergyman, not actions unbecoming a clergyman. The difference is a material one. Were the offence defined as actions, then an isolated breach of clerical propriety might be punishable, but conduct is a different thing from an isolated action. Etymologically it meant, in the first place, a leading of some one along with you. This view is supported by the latest Webster, wherein he gives the definition of 'conduct' as a 'course of action.' Crabb, on synonyms, says: 'Behavior respects all actions exposed to the notice of others; conduct, the general line of a person's moral proceeding,' and he confines conduct to mental actions. Hunter, in the American Cyclopaedia and Dictionary, adopts Crabb's definition. Funk & Wagnall's recent dictionary gives the definition as 'the way in which a person acts or lives.'

"It would seem, therefore, from this, that a charge of 'conduct unbecoming a clergyman' cannot be supported by alleging and proving a single action of an unseemly character. To illustrate: A charge that a defendant untruly called a man a liar, and proving that he did as alleged, would not charge or show conduct of any kind. If, however, the charge was that he had made repeated untrue charges of lying, then if the charge were proved, he could be properly convicted of conduct unbecoming a gentleman, or a clergyman. You are here trying each charge as if it were a separate case. You have been compelled so to do by the form of pleading adopted by the presenters. It is not as if you had the charge of general conduct, backed by a dozen or more specifications. That is one thing. The presenters have not seen fit to make any charge of that kind. They have made definite, repeated charges of conduct that leads to specific actions, and each charge must be considered by itself. You will find that nearly all of the charges of conduct unbecoming a clergyman are supported by specifications of a single act" (4729).

After referring to the fact that Mr. Richmond was placed on trial under presentments Nos. 1 and 2, resulting in his acquittal upon nine out of the fourteen charges, and that later presentments, Nos. 3 and 4, were filed, the Chancellor continues: "As a result you have 140 charges to consider, and by a combination of charges alleging offences of a dissimilar character, permissible under our Canons, but which would not be permitted in a secular court, the respondent, by making himself a witness upon certain charges, enabled the presenters to use him as a witness against himself upon other charges, a thing which would be abhorrent to the common law, but which is in accordance with the practice under our Canons.

For the proceedings at large Mr. F. A. Lewis, one of the presenters, has declared himself primarily responsible. Mr. Richmond seems to be under the impression that Mr. Lewis' opposition to him was based upon the interest which Mr. Richmond had taken in certain striking car men in the spring of 1910. But this Mr. Lewis denies (p. 2802) and testifies that before that time and before the commission by Mr. Richmond of anything which could have been considered an offence in this Diocese, he, Mr. Lewis, had made up his mind that Mr. Richmond was an unfit person to remain in the priesthood. He came to this conclusion early in Mr. Richmond's ministry here, that the Church would be better off without him (p. 2802), and—quoting Mr. Lewis—that "later my object was to get Mr. Richmond out of the Church (p. 2892)." Mr. Lewis also testified that "prior to the car strike interview," Dr. Washburn, who came from the same Diocese in which Mr. Richmond had ministered before coming here, had told him of certain actions by the respondent in that Diocese which he, Dr. Washburn, had laid before Bishop Whitaker (p. 2856). What these alleged actions were is of no moment in this case, since the Bishop, with knowledge of the objections, received the respondent into the Diocese. From that time Mr. Lewis seems to have been inspired by a desire to get rid of Mr. Richmond. He spoke to Mr. Richmond's former diocesan, and, in answer to Mr. Argo, said that he made no investigation as to the truth of the matter reported to him, and admitted that his conversation with Dr. Washburn was the beginning of his prejudice against Mr. Richmond. (Pp. 2905-2906) I quote Mr. Lewis' words:

"Q. Mr. Lewis, when Dr. Washburn brought these reports to you about Mr. Richmond, did you investigate at all to see whether they were true?"

"A. Up there? No; I did not investigate to see whether they were true. They were subsequently published in a Philadelphia paper, I think, and up at

Magnolia some two or three summers ago I met Bishop Walker, of Western New York, in whose Diocese Mr. Richmond had been, and I spoke to him or he spoke to me. I think I spoke to him about Mr. Richmond up there, and he looked up sort of in this way (illustrating), and I said, 'Well, why didn't you do something with him up there?' 'Well,' he said, 'I wanted to, but he just kept within the Canons and I couldn't succeed.' That is what Bishop Walker told me, of Western New York.

"Q. But you did not investigate at that time to see whether these things were true or not?"

"A. No; because that just came to me in the ordinary course of conversation with Dr. Washburn, whom I occasionally saw. I had never heard of Mr. Richmond in my life at that time.

"Q. Are we to understand that that partially prejudiced you against Mr. Richmond?"

"A. That was the beginning of it, yes, sir.

"Q. That was the beginning of it?"

"A. Yes, sir; because I didn't know the man at all.

"Q. And you did not investigate?"

"A. Investigate them?"

"Q. Before becoming prejudiced?"

"A. There was no opportunity for me to investigate them. No; I did not investigate them at all.

"Q. You did not investigate them?"

"A. No."

So that at the time Mr. Lewis saw Dr. Washburn, according to Mr. Lewis, he had never heard of Mr. Richmond, and that conversation with Dr. Washburn about a man of whom Mr. Lewis knew nothing whatever, of whom he had never heard, started his prejudice against the respondent.

In 1910 certain things occurred, which we shall take up in detail at the proper time, in connection with the particular charges upon which they have a bearing, and it also seems to have occurred to Mr. Lewis that a man of the respondent's disposition was likely to do something which would, if committed prior to 1903, have brought the respondent within the reach of a Canon which in that year was stricken out of the law of the Church, making conduct unbecoming a clergyman and a gentleman a punishable offence, and he concluded that it would be well that such Canon should be restored. The conclusion is possibly confirmed by the fact that in February, 1911, he, Mr. Lewis, had received from Mr. Richmond, a letter which he regarded as insulting, and presented it to the United States District Attorney for his opinion and possible action thereon. Being asked (p. 2768): "Why didn't you arrest Mr. Richmond?" he said: "Because I didn't think I had any occasion to. That would only have given him more notoriety. I guess that is what he would have liked. I do not want to arrest men too often, you know."

There was another reason which Mr. Lewis might have given, and which was within his knowledge as a lawyer. The only possible charge which could have been based on the letter was a misuse of the United States mails, and under the Federal Law, which differs from the law of our Commonwealth, a prosecution cannot be instituted by a private person. In some districts, and this district is one of them, a prosecution even by a Federal officer, other than the United States Attorney, is not permitted by the prosecuting officer. Therefore, Mr. Lewis could not have arrested Mr. Richmond, even if the letter had been one which it was an offence to put it in the mails, for the State courts have no jurisdiction of such an offence. This being the case, all Mr. Lewis could do was to place the matter before the United States Attorney, after which Mr. Lewis would have no voice in the matter. He could not say whether the prosecution should be brought or pressed or abandoned. Mr. Lewis had done all he could to bring about a Federal prosecution of Mr. Richmond. The District Attorney's office did not think that the letter constituted an offence, and Mr. Lewis, who on March 9, 1917, testified as above quoted, on March 16th testified as follows (p. 2920) being asked if he delivered the letter to the District Attorney, he said:

"At the District Attorney's office. I don't know who it was. I did not know him. One of his assistants. I asked him to take the letter and asked him whether it came within the Federal statute of sending threatening letters

through the mail, and my recollection of his answer is that he did not think that it did; he thought that if it was written on a postal card it would have been. That is my whole recollection of it."

The Federal Law failing to enmesh Mr. Richmond, the matter of providing a law for an offence which a particular person was likely to commit was proceeded with. It had evidently been a matter of discussion between Mr. Lewis and Bishop Mackay-Smith, judging from the following extract from the letter of the latter to Mr. Richmond (p. 2870) :

"The General Convention not long ago withdrew my power to punish you for mere impudence. They did this on the ground that no such person like you existed in the ministry. Men like you only appear in a generation, and if I live until the next convention I shall have the Canon restored (as it is in the Army and Navy), which prevents outrageous insolence from having a clear field for all kinds of insults addressed by a clergyman to his superiors."

Mr. Lewis, on being elected to the General Convention after Bishop Mackay-Smith's death, presented for adoption the Canon relating to offences as it stood prior to 1904, and succeeded in having it passed, an amendment, however, being made by the House of Bishops (p. 2687). Mr. Lewis thus explains his motives (p. 2871 and p. 2907). Being asked by one of the triers (p. 2906) :

"Q. Mr. Lewis, when you made that proposal in the General Convention—I was not clear on your testimony there—did you have Mr. Richmond specifically in mind as a possible prisoner before the bar?

"A. I think I explained that. I could run over it again.

"Q. I was not clear on that.

"A. I had that positively in mind. I had made up my mind very clearly, from what I had seen here and the things that I went over, that it was a great pity that that ever was dropped out of the Canon, and I moved to open it in the Convention. I purposely did not get anybody else to do it. There is no secret about it whatever. I offered the resolution myself, because I perfectly well knew and thought it out that Mr. Richmond was in no danger of the Canon whatever if he behaved himself. If he did not he would have to take the risk of a presentment.

"Q. Still it was his action that prompted the whole thing?

"A. Yes, sir. Undoubtedly.

"Q. That is what I want to get at. You say that you acted not in a representative capacity but in an individual capacity in the matter of the presentment?

"A. I did, sir."

Now, Mr. Lewis' representative capacity in the convention was that of a representative of this Diocese to legislate for the good of the whole church. He testifies that he acted in an individual capacity to procure the passage of an act, and that he had particularly in mind a special possible offender.

Passing over the interval we come now to the actual presentment. Of this Mr. Lewis says in answer, again, to one of the triers (p. 2908) :

"Q. And you were the prime mover?

"A. Yes, sir. I don't want any mistake on that subject, sir, in any shape, form or way. I was undoubtedly the prime mover, and I did it for two reasons, if you would like me to answer that question. I don't want to force anything—

"Q. I am perfectly willing to hear your reasons. I did not ask them. I just want to know. I have not brought that in.

"A. I am perfectly willing to tell you. I did it for two reasons. I didn't want the bother of it, but I thought it was my duty to do it because of the large number of people who had spoken to me on the subject. I thought then, with proper modesty, that I somewhat represented the clergy and laity of this Diocese. I was one of the oldest persons in active service in the Church, and thought it was an obligation that I could not decline to assume. The second reason was because I thought that the matter ought to be taken up by some one who was not in theological accord with the Bishop of the Diocese; that if it happened that it was done by a coterie of high churchmen, then it would be said persecution by high churchmen; if, on the other hand, it was taken up and done by one who was known not to be in accord with the Bishop

of the Diocese in his views, that it would be far better that it should be taken up by that person. Those are the two reasons why I undertook it personally."

Now, Mr. Lewis, was not only the prime mover, but he obtained most of the signatures.

Gentlemen, as it strikes me here, what was the object of getting such a large number of lay signatures? So far as the number of clerical signatures is concerned, I do not think there is any criticism. The Canon requires two clergymen and one layman. There were two presentments first made, and other charges were also brought later in the presentments, and each one of those presentments required the signatures of two clergymen and one layman. Therefore, as the presentments were different we can easily see how the four clergymen should be called upon. But only one layman is required. Mr. Lewis tells us that he signed the first and the third presentments, but not the second and fourth. Nevertheless, we have, I think, a dozen laymen, where only one was necessary. Could there have been any ulterior object in wishing to give the presentment a strength before this court resting upon the character and the reputation and the weight in the Diocese of gentlemen who were induced to sign, in the possible hope that the appearance of a multi-signed presentment might have more effect with the court than a presentment signed according to the Canon, by the one person alone that was required. I am speaking now of the presentment. That is the sole requirement. I can understand how a large number of signatures might be procured to a statement, in order to influence the action of the Bishop, to make him understand that it was a serious movement. I can understand that. But why names should be brought into the court, where, after the Bishop has acted, it is assumed that the thing is serious, is a matter that I think you have a right to take into consideration.

Now, Mr. Lewis says he obtained most of the signatures. He did not submit any evidence. The presenters simply signed on Mr. Lewis' testimony, that he had examined the case and thought it ought to be proceeded with (p. 2910).

"A. I think I gave them the papers. So far as I know, none of them signed it without.

"Q. I do not mean the formal presentment that the Church Advocate has drawn, but the papers which you presented to the Bishop for allowance before the regular presentment was drawn. Who signed that?

"A. I don't remember, sir. I guess it is in evidence somewhere here. I signed it. I know that.

"Q. That is only one person.

"A. Yes; they signed.

"Q. They signed them?

"A. I can't say now who signed.

"Q. You don't know who your coadjutors were?

"A. I don't know which signed which. I know Mr. Buckley signed the presentment, or the statement, or whatever it was, and Mr. Dixon and Mr. Merrick and Dr. Grammer, and some others. I have forgotten.

"Q. Before they signed had you submitted the evidence that you had to them, or did they simply sign the paper without—

"A. I don't think I had submitted any evidence.

"Q. You did not submit any evidence?

"A. I don't think I had submitted any evidence.

"Q. The signatures, then, were simply obtained on your assertion that you had examined the case and thought it ought to be brought?

"A. Yes, sir; I think so."

The triers, I think, would do well to consider Mr. Lewis' testimony in the light of the general rules heretofore given, in order that you may assign proper weight to his testimony. Mr. Lewis' testimony shows on his part a desire to get rid of Mr. Richmond, a conviction that it would be a good thing to do early in Mr. Richmond's connection with the Diocese. This appears to have been in Mr. Lewis' mind before Bishop Mackay-Smith became the Diocesan.

Now, Mr. Douglas very eloquently argued to you that a combination to bring a criminal to justice was not an offence at law or in morals, and the correctness of this proposition must be admitted, but it is a very different thing,

both in law and in morals, to form a combination to deprive a man of his property, or to destroy his reputation, and when I called Mr. Douglas' attention to the distinction, I think you will remember that he did not altogether succeed in sustaining the position that because persons might lawfully combine to drive an unworthy priest from the church, they might combine to deprive a priest of his living, by means which would simply drive him out of his parish, without giving him the opportunity of defending himself against charges of such weight as would justify his expulsion from the ministry. And it is worthy of note, gentlemen, that up to this time, while there was shown in certain quarters a desire to get Richmond out of his parish, we do not hear a word of intention to proceed against him by presentment for any offence which he had then committed, but we do have the letter of Bishop Mackay-Smith to Mr. Brown of May — an intimation that steps will be taken to obtain a *poi otco* from whence the downfall of the respondent may be worked, and that that is what Mr. Lewis had prominently in mind when he moved for the passage of the Canon of 1913, we are told by him. The combination, if there be one, to oust the respondent from the ministry may, therefore, be considered a mere continuation of that one to deprive him of his parish.

Bishop Rhinelander testifies that he had had certain interviews with the respondent. As to what took place at these interviews may have considerable weight when you come to pass upon more than one charge, as well as have some weight with reference to the existence of a combination to drive Richmond out, if we consider them now, we may save the necessity of some repetition. I will take first Bishop Rhinelander's testimony as to the interviews. The first interview is thus described by Bishop Rhinelander (p. 760) :

"The Witness: On November 7, 1911, nine days or ten days after my consecration, I received a long letter from the Reverend Mr. Richmond. I opened it. I read the first page of it. I found that it was rather a violent attack on Bishop Mackay-Smith, who was then alive and was then my chief. I stopped reading it at the bottom of the first page, put it back in the envelope, and went right down at once to see Mr. Richmond at his boarding house. He was in, but engaged when I first called. I said I would call again. I did so later on that same morning. I then said to him in substance this, that I wanted to start fair and square with him. I did not necessarily feel any concern with his past record. I wanted to judge him as far as judgment came in my hands on his record that he would make with me. I had not read his letter, I did not want to read it. I should only read it if he asked me to. On the other hand, if he did not ask me to, and would take it from me and destroy it, I would consider it as never written, and we would start at that point. Mr. Richmond received my offer apparently with great cordiality, the same cordiality with which I made it. We knelt down then and had a prayer for our mutual guidance and fellowship. He thanked me for the spirit I had shown, and I went home. No interview occurred between that date and this one in February."

Being subsequently asked how the respondent attacked Bishop Mackay-Smith in his letter, the witness read over his testimony already given, and said he had nothing to add (p. 836). It being ruled that he might be further questioned he testified as follows (p. 6-837) :

"A. I only read the first page of the letter. I have no recollection of what was written on that first page.

"Q. How do you know it was an attack, then? A. My only recollection was that I came to a part of it where an attack began upon the Bishop, and at that point I stopped reading immediately. I have nothing more to add.

"Q. What were the words of the attack? A. I cannot remember.

"Q. You cannot even remember?"

Another question was put, and Mr. Douglas said, "I object." The Bishop said, "I would only let my report of that interview speak for itself."

The second interview of any importance took place in February, 1912, at 1025 Spruce Street, as to which the Bishop testified as follows (p. 761-762) :

"The substance of the February interview was in regard to Mr. Richmond's preaching, in particular in regard to his habit of attacking individuals by name in his sermons. In a perfectly friendly way, because the relations were still friendly between us on his side and on mine, I pointed out that in my experience that was not the true way to get abuses reformed. That he was

quite right in attacking abuses, but to call men names in public in my experience had never led to any useful result, had not helped the people who heard the names called, had not helped the people who were called names, and had not helped to reform abuses. All of which he heartily agreed to and agreed that in the future he would follow that suggestion. That was the sum and substance of that interview."

He further testified that several prominent laymen of the Diocese had criticised the respondent's preaching, and that that was the reason for the advice he gave the respondent, but he did not recall that he was asked for the names of the said laymen. Toward the conclusion of the Bishop's first testimony he was asked by one of the triers whether he had given the names of the complainants, to which he replied (p. 891). The question was this:

"Mr. Argo: The question I should like to ask is this: Did you state at that interview to Mr. Richmond the names of the complainants? The Witness: I remember on one occasion sending him a letter of such complaint. Whether that letter was before the interview or not I do not know, but I should have been perfectly willing to give him the names. I cannot remember distinctly that I did."

The names being asked for, the witness undertook to furnish such a list of them as he could find from his records. In other words, the Bishop's testimony was that there were certain laymen whose names he either had or had not given—it is, perhaps, not material which to Mr. Richmond; the material point being that he had said that prominent laymen had written to him—and the Bishop was asked for the names and he was unable to give them at the time, but undertook to furnish them.

The witness afterwards wrote as follows, the letter being allowed to be put in evidence instead of recalling him as a witness (p. 898):

"Referring to the request of one of the triers that I should furnish the names of those who have made complaint to me in connection with the preaching of the Rev. Mr. Richmond, and more especially in connection with his practice of making personal attacks on individuals from his pulpit, I would say:

"(1) I have been carefully through my files, especially covering the period from my consecration as Bishop on October 28, 1911, to my interview with Dr. Richmond on February 3, 1912, at which interview there was discussed between us this matter of his preaching, particularly in regard to his practice of making personal attacks on individuals from his pulpit according to my testimony given at this trial.

"(2) During this period my files contain no letters and no records of any sort to show that any such complaints were made to me. What knowledge I had at that time of Mr. Richmond's preaching must have come, therefore, from newspaper reports and from casual conversation and hearsay. At the interview on February 3, 1912, the fact was agreed upon between us that it was his practice so to attack individuals from his pulpit. This acknowledged fact was the whole basis of our conference, as I think my testimony made sufficiently clear."

Then follows some letters of a subsequent date.

It will be observed, however, that the Bishop in his second statement does not deny that he had told the respondent that several prominent laymen of the diocese whose opinion he, the Bishop, respected had criticised the respondent's preaching, and it was for that reason he gave his advice. Mr. Richmond having asked about an interview in April, 1912, the witness denied that any such interview had taken place.

The third interview is the one about whose date there has arisen a question. As to the date, the Bishop testified, on page 770, as follows:

"Q. We come now, Bishop, to another occasion after the respondent had been elected an honorary member of the Central Labor Union of this city. Do you recollect that you sent me a communication at that time? A. I asked you to come to see me in January, 1913. I think the exact date was January 8th."

The witness was asked as to the details, but could not recall them; but, however, recalled that when he told the respondent that they were both agreed that he did not represent the Episcopal Church, the respondent was very angry, and went out in a heated temper (p. 772). Subsequently the Bishop testified that the interview took place in 1914. He based this upon the fact that he had

received a letter from Dr. Foley, which was dated January 12, 1913, but which Dr. Foley showed should have been dated 1914, and which speaks of an election by Dr. Foley as a fraternal delegate to the Central Labor Union, which election took place some time in 1914. On the strength of this the witness undertook to say that he erred when he testified that he was sure of the year and the month when he fixes 1913 as the year of the interview (p. 770). It is possible the Bishop is a little hasty in declaring that he had erred in his testimony as at first given on November 28, 1916. Remember his words: "I asked you to come to see me in January, 1913. I think the exact date was January 8th, 1913. I am sure of the month and the year." Now, the fact that the Bishop in 1914 received a letter from Dr. Foley upon the question of his (Foley's) election to the Labor Union does not in any way conflict with testimony that an interview had been held with Mr. Richmond in 1913. At the time of the interview with Mr. Richmond, from the Bishop's testimony it does not appear that Dr. Foley had been elected to the Labor Union, but that Mr. Richmond had, and the interview was caused by the fear on the part of the Bishop, prompted by something he had heard from the Rev. Dr. Delk and from Mr. W. B. Patterson, that Richmond would assume or had assumed to represent the Church. At the interview nothing was said about Dr. Foley's election. It is worthy of note that the Bishop put the interview on January 8, while Dr. Foley was elected on January 11, 1914, no matter whether the Bishop said January 8, 1913, or January 8, 1914; in either case Dr. Foley had not been elected, but was elected on January 11, 1914, and notified the Bishop by letter dated January 12. The Bishop further testifies that it was intimated to him by Mr. Cronin that it would be agreeable to the Union if he, the Bishop, would nominate a representative of the Episcopal Church as a fraternal delegate to the Union. Now, if Mr. Richmond were called before the Bishop, in consequence of Mr. Foley's letter, it is very remarkable that nothing was said to Richmond about Dr. Foley's position in the Union, since the letter announced the latter's decision. If the interview with Mr. Richmond were held before, then the Bishop has given us nothing which can account for his change of memory, and it is not fair to charge him with reckless testimony when he was first on the stand, especially in view of the positiveness of his assertion. It is true he makes a reference to his diary of 1914, but he says nothing about his diary of 1913, and it is worthy of note that when first on the stand the Bishop alluded to the careful manner in which the records of his diary were kept (p. 757). Again, the Bishop says that Mr. Cronin intimated that he would be glad to have a representative of the Church appointed, and this intimation was after the interview with Mr. Richmond (p. 771):

"Q. You asked me, did you not, sir, at that time, 'What do you represent anyway, Richmond?' Do you remember you asked me that question?"

"A. I recollect only asking you if you were there as a representative of the Episcopal Church, to which you answered no.

"Q. Well, I happened to be a Rector of an Episcopal Church at that time. I represented that part of the Church pretty well, I guess. Isn't it true that you said to me, 'Richmond, then if you don't represent the Episcopal Church, what do you represent?' Do you remember asking me that question?"

"A. I recollect nothing of the kind.

"Q. Do you recollect that I said I represented humanity, which was a greater article than any P. E. Church, and do you remember that you didn't like it?"

"A. I do not recollect either hearing you say it or not liking it."

But you will remember there was no allusion to Dr. Foley on the part of the Bishop, and the Bishop does not appear at that time to have taken any steps to appoint anybody. In fact, the suggestion, he said, came afterwards, from Mr. Cronin.

Now, if Dr. Foley had already been appointed and elected at the time of the interview with Mr. Richmond, why should Mr. Cronin say anything about the representation of the Episcopal Church? The result of the evidence on the side of the presenters seems to me to be that the Bishop was right the first time he testified, and that the interview was in January, 1913, and that the appointment and election of Dr. Foley were subsequent thereto. When we add to this the testimony of both Mr. Richmond and Mr. Cronin, that Mr. Richmond was elected to the Labor Union in November, 1912, the conclusion seems almost irresistible that the Bishop's correction was a hasty one. In this connection, it is a

little unfortunate that the presenters have not seen fit to request the attendance of Dr. Delk, whose testimony would have done much to assist in fixing the date. It is also regrettable that formal proof was not made of the signature and seal of the certificate offered by the defendant, which was excluded on the objection of the presenters for lack of such proof. The respondent, however, seems to have done all he could to procure the attendance of the gentlemen whose name was attached to the certificate. However, without this proof you may find, if the evidence convinces you, that Mr. Richmond was elected to the Labor Union in 1912, and that the interview with him took place in January, 1913, as at first stated by the Bishop.

It is certain that Dr. Foley was not elected until January 11, 1914. It is perfectly reasonable to suppose that there might have been some delay in his selection as a representative by the Bishop, his actual appointment by him, and his subsequent election by the Union.

The testimony against the date 1913, as the year of the interview, is purely inferential, while that in support of that year is positive.

Subsequent to that interview the Bishop says (p. 771):

"I called up the president of the Labor Union, Mr. Cronin, and he said he should be very glad if I would properly appoint a member to represent the Episcopal Church on the Labor Union, which I did. I think that covers that interview."

And again on page 842, when the Bishop returned to add something to his testimony, he said:

"The Witness: With the Chancellor's permission, I might add a point to the testimony that I did not give last time. The Chancellor: Certainly. The Witness: I referred to a conversation with Mr. Cronin, the president of the Labor Union. Mr. Richmond: I know you did. The Witness: I did not, however, add that over the telephone Mr. Cronin said that the Rev. Mr. Richmond had practically forced himself upon the Union."

If by this the witness meant to say that Mr. Cronin had said that Mr. Richmond had "practically forced himself upon the Union," this was an improper interpolation of something which might very well prejudice the respondent's case. After the testimony as to the calling of Mr. Cronin had been contradicted by that gentleman (p. 2562)—"I only had one conversation about selecting Mr. Richmond as a fraternal delegate, and it was neither with the Bishop nor his office. I would not know the Bishop if I met him. Q. With whom did you have that conversation? A. With a Mr. Patterson. Q. Who is Mr. Patterson? A. If my memory serves me right, he was secretary of some social service league or bureau. He had an office in the Empire Building, at 13th and Walnut, I think—that was his answer on cross-examination. His examination in chief was as follows (p. 2559):

"Q. Now, Mr. Cronin, did you ever discuss Mr. Richmond's election to the Central Labor Union with Bishop Philip M. Rhinelander? A. Not to my knowledge. Q. Did Bishop Rhinelander ever have a conference with you about Mr. Richmond in any way? A. No, sir. Q. Mr. Cronin, did you ever call up the Bishop, did you ever phone him to talk with him concerning the appointment of a member of the Episcopal clergy to represent the Church in the Central Labor Union? A. No, sir. Q. Did the Bishop ever phone you about such a matter? A. No, sir."

The Bishop after this returned and testified as follows (p. 3623):

"By Mr. Douglas: Q. Since the last occasion on which you appeared here to testify your attention has been directed, has it not, to your testimony with regard to the interview with Mr. Cronin? A. Yes. Q. Is there any correction that you desire at this time to make in your testimony? A. Yes. My attention has been called to the fact that in my previous testimony I said that I called Mr. Cronin up by telephone. That, I think, was not the case. I have refreshed my memory as much as possible, and thought the matter out, and I am now quite confident that the facts were as follows: Mr. W. B. Patterson, from his office, called me up at my office, and told me that Mr. Cronin was with him in his office and would speak to me, and then Mr. Cronin came to the telephone in Mr. Patterson's office, and the conversation took place." He would fix it by a letter from Mr. Patterson dated January 7, 1914.

You will notice here a want of positive recollection on the part of the witness. It is for you to say how far he speaks from recollection, and how far

he speaks as to the probabilities of his conclusion drawn from the presentation to his mind of the facts. In other words, whether he gives a conclusion or gives a recollection. Now, as you know, a witness is not to draw conclusions, but to testify to facts as he knows them. All the drawing of conclusions to be done is to be done by you.

Now, Mr. Cronin absolutely contradicts both these accounts as to the Bishop's second statement. The evidence of Mr. Cronin is as follows (p. 4174):

"By Mr. Richmond: Do you recall, Mr. Cronin, being in Mr. Patterson's office, and if so, tell us about it, if you recollect? How long were you there? What did you do if you were there?"

His attention was called to this testimony:

"A. Mr. Patterson called me up at my office in the Parkway Building and suggested lunch, for the purpose of talking over the questions that arose at the Central Labor Union meeting at which you were elected a delegate. He suggested that I come to his office. I think it was in this building on the other side, the other entrance, on 12th and Walnut. This is 12th and Walnut, isn't it?"

Q. Yes. A. The Empire Building, I think he was in. I went into his office, and I went into the outer office, and it seems that Mr. Patterson had just come in. He had not closed the door to his private office. He said, 'I will be with you in a moment.' He came right out and put on his hat and coat. He put on his coat as he was coming out. He had his hat on. We left the office. There was a young lady there, who took care of the office, but she did not have to even tell Mr. Patterson I was there, because when I opened the door he saw me and recognized me and spoke. I was in the office, as near as I can judge, about two minutes. Long enough for Mr. Patterson to close his desk and put on a coat and hat and leave with me. Q. In the two minutes that you were there was the Bishop's office called up? A. Not to my knowledge. Q. Did you stand where you could hear a phone call? A. Yes. The office was so that the partition did not reach to the ceiling. Q. Were you ever in Mr. Patterson's office at any time when the Bishop's house was called up? A. I was only there that once. Q. Did any one call you on the phone during those two minutes while you were there? A. No, sir. Q. Did you use the phone in any way? A. No, sir. Q. You heard no one else using the phone? A. No, sir."

Now, gentlemen, you will have to decide which of these witnesses has correctly remembered, and in deciding you will bear in mind the rules which in ordinary cases should guide you in passing upon the quantum of belief to be given to any witness.

Mr. Richmond's testimony as to what took place at the interview goes into much greater detail than does the testimony of the Bishop, but the witnesses are at one in this, the Bishop did not consider Richmond as a fit representative of the Church in the Labor Union. As to many things alleged by Richmond to have been said in the interview, there is no denial, but only a want of recollection on the part of the Bishop. Of course, you will go over these interviews with considerably more care than I can give to them here.

I have called this the third interview. In strictness it, perhaps, should be called the fourth, as an interview took place between the Bishop and the Rector at the close of the Presidential campaign of 1912 upon the subject of the drinking of a glass of beer by Mr. Richmond while addressing a public meeting at Newark, New Jersey. This interview has, however, so little bearing on the case that you will conclude, I should think, unless in your better judgment another course should be followed, to ignore it.

On February 1, 1914, the Bishop made an Episcopal visit to St. John's, and there had his last talk in his pastoral capacity with the respondent (p. 784):

"Q. When did you last call this offending criminal priest to have a talk with you as his father in God? A. The last talk with you that I now remember, that would come under that description, would be on the occasion of my last visitation to the parish of St. John's, Northern Liberties, when you were the rector on February 1, 1914."

After he so testified the witness said, "I would like, with the permission of the Court, to make a short explanation."

"The Chancellor: Certainly. Explain your answer. The Witness: I have already stated to the Court the spirit in which I tried to begin my relations with Mr. Richmond. I would like to say that I endeavored, to the best of my ability, to persevere in that attitude; that there were times rather early when

I thought that I failed, but then again there were encouraging signs, and that went on with intermissions until on the 31st of December, 1913, he wrote me a letter apologizing again for having missed an appointment, one of several letters of that character I have from him, and thanking me for my courtesy to him, and wishing me a Happy New Year. That was the last day of 1913. The following February, 1914, in the regular schedule of my visitations, I visited St. John's, Northern Liberties, on a Sunday evening. Shortly after that the trial appeared on the horizon and I became convinced that the attitude of Mr. Richmond towards me was of such a character that any further attempts of that kind on my part would be fruitless. That is my best and most recent and most responsible judgment, and on that of course I must stand."

That was March, 1914. This statement, which was a volunteered one, the Bishop afterwards qualified. It is noteworthy that in February not one of the offences charged in the first and second presentments, which were the subjects of the first trial, had been committed, and you can determine whether the trial appearing on the horizon was with reference to offences which had been committed, and which some time later, in 1915, were made subjects of the third presentment, or some as yet uncommitted offences, which it was thought a man of Mr. Richmond's impulsive nature might commit. But no matter what was in view, or when the trial appeared on the horizon, we have the Bishop's testimony agreeing with that of the respondent, that in February, 1914, on the occasion of the confirmation at St. John's, Northern Liberties, occurred the last interview between the Bishop as the Spiritual father of his Diocese and the respondent.

After the convention in May, the Bishop sailed for Europe in the interest of Church Unity, and was detained by the war. Troubles now seem to have occurred between Mr. Richmond and certain members of the parish, which were perhaps exaggerated in Mr. Richmond's mind by his belief that there was on foot a movement from without the parish to deprive him of his rectorship, a trouble over a man named Neumer, which was gone fully into in the preceding trial, and which has only been alluded to in this, seems to have been a large cause of the internal dissension. Amongst other things, it caused the dissolution of the dramatic club, which eventually led to the proceedings against Mr. Hamilton (p. 1110). Mr. Brown also changed his position with regard to Mr. Richmond, having promised to assist in the Centennial, he did not do so, and friction existed, the particulars of which or the merits of the parties thereto it is not necessary to go into here. Some time in October or November Mr. Brown went to see Mr. Lewis. He had evidently seen the Bishop before. He did not go to Mr. Lewis, he tells us, in a representative capacity (p. 1937), but said he went for the purpose of obtaining a formula for a resolution of request of a resignation. "That formula for presenting your resignation in accordance with the Canons of the Church" (p. 1946).

Other members of the vestry had been to see the Bishop. Mr. Paul had seen him. Mr. Paul testified that he saw Brown after the latter had seen the Bishop, that Brown in some way reported a conclusion, that the Church and the Diocese would be better off if Richmond were not in it, that Paul inferred Brown was reporting what he inferred from the remarks of the Bishop, that Brown said that Mr. Lewis desired to see Mr. Paul. Mr. Paul also saw the Bishop, and thinks the suggestion that he should see Lewis came from the Bishop, that Lewis at the interview wished him, Paul, to move a resolution asking for the resignation of Richmond, which Paul declined to do, and asked why, if the Rector had committed any improper act, the Bishop did not inhibit him, that this meeting took place in the Franklin Building, that Lewis said that the Church ought to get rid of Richmond, that he (Richmond) was a thorn in the side of the Diocese. Mr. Lewis, you may remember, neither admits nor denies that he so spoke. He said, I think, that he could not remember, that he thought so. As out of the fullness of the heart, the mouth speaketh, you will be justified in concluding that Mr. Paul testified correctly in this particular. Mr. Paul also said that after his conversation with the Bishop and Mr. Brown he knew that they, the Bishop and Mr. Lewis, would be satisfied if the respondent were removed from the Diocese (p. 2437), which statement he somewhat modified, saying, "It was their wish for him to resign." The reason moving Mr. Lewis in his desire to get rid of Richmond, was Richmond's plain talk and excitability (p. 2676) :

"Mr. Argo: Mr. Paul testified that Mr. Francis A. Lewis said or acted in such a way as to make him believe that Mr. Richmond was a thorn in the

Diocese, and wanted to get rid of him. The Chancellor: Yes. Mr. Argo: He said he was not sure that that was the exact language. I would like to ask Mr. Paul, if he will tell us anything further in that connection that Mr. Lewis said. The Chancellor: That is perfectly proper. Mr. Argo: Such as why he thought he was a thorn in the Diocese, and why he wanted to get rid of him. The Witness: No more than what I have already told you, sir. By Mr. Argo: Q. What was that, if you don't mind? A. Just on account of Mr. Richmond's plain talk and excitability, and so forth, and so forth, as we would say, that he thought the Diocese was better off without him than with him. Q. Did he specify what he meant by 'plain talk'? A. No, sir; he did not."

The Bishop was asked (p. 793) whether he had seen Mr. Paul. Instead of answering the question he made the following statement:

"The Chancellor: The question, as I understand it, is whether George Chandler Paul was sent for by the Bishop, and to show that a conspiracy was entered into for the removal of the Rector. Is that it? Mr. Richmond: Yes."

Then followed a discussion as to whether the witness could be asked the question, and finally the witness said:

"The Witness: Simply for the sake of saving a little time, might I be permitted to make a statement in regard to that matter? The Chancellor: Certainly. The Witness: You will be aware that the Canons of the Church put upon the Bishop one rather serious responsibility in regard to what is known as the dissolution of the pastoral relationship between the rector and his vestrymen, or congregation. The Canon recognizes the right of either party to petition for the dissolution of such relationship. The Canon provides further that the Bishop at his discretion, calling in the standing committee to sit at his counsel of advice, shall give a hearing, and shall decide, and the Canon goes on to say that he is the ultimate arbiter and judge. That is a very serious responsibility resting upon the Bishop. I have made it a rule from the beginning, to which I have adhered without exception, that in view of the serious judicial responsibility, whenever any dispute or disagreement between the vestry and the rector is brought to my attention by either side in a preliminary way, I quite definitely refuse to be drawn into giving definite advice one way or the other, until the thing comes before me in its due Canonical form. I think I can claim in this and in every case that I have strictly adhered to that judicial attitude."

He does not, of course, directly answer the question whether he had seen Mr. Paul or not, but the inference to be drawn from that will be that he strictly adhered to his rule not to give any such advice.

Mr. Brown testified that some few weeks prior to December 14—he afterwards fixed the time as in October—he had called on Mr. Lewis at his office in order to obtain a "formula" for a resolution requesting the rector's resignation, to be presented at a meeting to be held December 14, 1914 (p. 1937). He did not go in a representative capacity, no one sent him to Lewis, he selected him purely by chance. He was very uncertain as to whether he and Mr. Lewis talked over the affairs, but on this or some other interview with Brown about the time Lewis asked how many were against the rector at St. John's (p. 1987). He was not sure that he had seen the Bishop before the interview with Mr. Lewis. He did not have a distinct recollection that the Bishop had sent him to Mr. Lewis, but he would not deny that he had, but when he went to the Bishop, the Bishop did not do anything in the way of pouring oil on troubled waters (p. 2073). That is Mr. Brown. Later, however, he recalled the visit to the Bishop, with considerable particularity, and fixed the date. At that interview, which was with regard to the troubles with Mr. Hamilton, the Bishop did not say he would send for the Rector and hear his side, or require any report from him (p. 2256).

Mr. Hamilton testifies that in October, 1914, he, in company with Mr. Brown, went to see Bishop Rhinelander, and told the Bishop exactly the conditions of St. John's, and answered the Bishop's questions, that he told all the various things that he (Hamilton) could think of, and in the interview the witness thought there was a reference to a possible presentment of the respondent. The witness seems to have been in communication with the Church Advocate also about this time, for he says, "I did not know whether there was going to be a presentment but there had been talk of a procedure of that kind, and for that reason I had taken all my correspondence to Mr. Runk."

And still later he said (p. 2480):

"Well, we didn't know what procedure we would have to take. We consulted the Bishop for that reason. The Bishop said he could not give us very much advice, because if anything did come he would be the final arbiter and judge, and he didn't have very much to say, but I gathered from what little was said at that meeting that there would be a presentment, of course with the vestry taking the first step."

And still later he said (p. 2499):

"Before we left I think the Bishop said that he could not give us very much advice because he would be the final arbiter and judge in case of a presentment, and that is where I got the idea that there would be a presentment. Whether the word 'presentment' was used or not I am not just sure. We wanted to know what form we would use or how we should go about the asking for his resignation. * * * I think the Bishop did not refer me to Mr. Francis A. Lewis, but I think he told Mr. Brown that since so many of these matters had come up now, and as he was his counsel, we should refer the matters to Mr. Lewis in the future, and that is, I think, how Mr. Brown started to go to see Mr. Francis A. Lewis. It was on Mr. Brown's advice that I think I first went to Mr. Lewis. I saw Mr. Lewis once."

This is very significant, and negatives Mr. Brown's position that he went to Lewis by chance. It also seems a little curious that one who thought he would have to act as judge in a case should refer people with a grievance which might have to be tried before him to his own counsel.

Mr. Hamilton finally testified that at the interview with Brown the matter of getting rid of the respondent was discussed (p. 2503).

"Q. I don't want you to. Is it not true, Mr. Hamilton, now—we are almost through; you are going out of the case forever—is it not true, Mr. Hamilton, that as you sat there in the Bishop's office, both you and the Right Reverend, the Bishop, and the Suffragan Bishop, you discussed how to bring about the departure of G. C. Richmond from St. John's Church, and that Bishop Garland gave in a few words his advice? A. I do not recall whether Bishop Garland gave us his advice or not, sir, at that particular time, what we should do. Q. Is it not true that you discussed that matter? A. Yes, sir, we discussed the matter."

His evidence was that the matter was discussed or that it entered into a part of the discussion in the interview with the Bishop.

Now, Mr. Lewis testified that his interview with Paul was because the Bishop desired him to see Paul, that Paul came in response to the Bishop's and not Lewis' request. Paul says he called on Lewis, being told by Brown that Lewis desired to see him. In the interview with Lewis Mr. Paul positively testified that Lewis wanted him to make the resolution asking for the respondent's resignation. After some time Mr. Lewis gave the following account of his interview with Paul (p. 2764):

"A. I cannot remember what I said first to Mr. Paul. Yes, I do. I remember I told him he had come there as the Bishop had requested me to talk to him. I asked him what the conditions were up at the church, and he said that the conditions were very bad, and then he stated, I recollect, that the Sunday School had all gone to pieces, and I also asked him whether there was any prospect of getting through with this thing up there, as the Bishop wanted to know, and he said that he was prepared to vote asking for the Rector's resignation, and I said, 'I have no advice to give in the premises at all. I want information. Are you willing to offer such a resolution?' He said, 'No, I don't care to offer it myself, but I am prepared to vote for it,' and he said, 'I think you had better have a conversation with Mr. Charles Brown,' and I said, 'Very well, I will have a conversation with Mr. Brown if he wants to see me, or if you want him to see me.' 'Very well,' he said, 'I will send Mr. Brown to see you.' The conversation was very short, and I do not recollect anything that occurred in it beyond that."

In this conversation as given by Mr. Lewis, I call your attention to these words: "And I also asked him whether there was any prospect of getting through with this thing up there." That was given by Mr. Lewis. I commend them to your consideration, the question whether, if coming from the Bishop's counsel, they show any cognizance of what was going on, and why, if the Bishop's position were that of strict neutrality, he should have desired Paul

to see and inform his, the Bishop's, counsel with reference to matters in dispute between the Rector and the vestry. Mr. Lewis later disclaimed all personal interest (p. 2772): "I did not care whether Mr. Richmond presented his resignation or not. It made no difference to me whether he resigned or whether he did not resign.

"Q. Mr. Lewis, is it or is it not true that the reason why you wanted Mr. Richmond to present his resignation was because the Sunday School was decreasing? A. The reason I wanted him to present his resignation? Q. Representing the Bishop. A. You will have to ask the Bishop what he wanted it for. The Bishop wanted his resignation. The person to ask would be the Bishop. Q. You are not answering the question. Answer my question. Is it or is it not true that the reason why you wanted Mr. Richmond to present his resignation was because the Sunday School was decreasing? A. The answer is this, that I did not care whether Mr. Richmond presented his resignation or not. It made no difference in the world to me whether he resigned or whether he did not resign. That is the answer. Q. Why were you acting? A. I was acting for the Bishop. He had his own reason, I suppose." Later on he repeated his statement that he was simply acting as the Bishop's representative to get information, and he was asked (p. 2778):

"Q. But you had called him to your office to see you, because the Bishop— A. I had not called him to my office. I told you distinctly I did not. Q. Who did? A. The Bishop. Q. The Bishop called him to see you? A. Not through me at all * * * A. I do not know, Mr. Chancellor, whether I heard it from the Bishop, or whether I heard it directly from Mr. Paul. Of course, I have got to give hearsay evidence on that. I had had a conversation with Mr. Paul. The Bishop said, 'Mr. Lewis, will you have a talk with Mr. Paul?' I said, 'Yes, I suppose so.' He said, 'I will send him to see you,' which he did. I spoke to him. I did not ask him. I had no interest in it."

So that you find there Mr. Lewis putting himself purely in a representative capacity, and in response to Mr. Argo's question, you will recollect, he said something with regard to his being dragged into the case.

Now, Mr. Lewis' account of his interview with Mr. Brown was as follows (p. 2792):

"A. That was shortly after Mr. Paul did, because Mr. Paul asked me if I would see Mr. Brown, and I said that I would, and Mr. Brown came to see me, and he said that the vestry was going to pass this resolution he thought. I asked him if he thought they were going to pass it, and he said he thought so. He said Mr. Paul was for it, and then I said, 'You do not expect him to resign, do you?' He said, 'No. After that we are going to ask for a dissolution of pastoral relations.' Q. After what? A. After he had refused to resign, which he expected him to do. Q. He talked about that, did he? A. Who? Q. The man you are talking about. A. Mr. Brown. Q. You are talking about him, aren't you? A. I am talking about Mr. Brown. You asked me what I said to Brown. Mr. Brown stated that they were going to offer a resolution, and that they were going to follow it up, if he would not resign, by a request for a dissolution of the pastoral relations under, I think, Canon 39, and I told him that I represented the Bishop in this matter, and if he were going into that thing, he had better consult other counsel, and he asked me who I would suggest, and I suggested Mr. J. Wilson Bayard, with whom he subsequently, I do not know what date, consulted, but he had charge of all those things. Then he said that he was going to offer the resolution to ask for the dissolution of pastoral relations. He said he did not know how to word it. He asked me if I would write it out for him, if I would write out a draft of what would be proper under the Canon, and I said I would, and I did, and I gave it to him. I want to keep on. You want everything, and you will get everything."

Now, in this connection while Mr. Bayard was counsel, one thing is to be noted. When the proceedings came in the Court of Common Pleas No. 3, following the action of the vestry, Mr. Lewis expressly tells us he was not in the case, that he did not appear in it, but it is admitted that he did what any other gentleman of the bar had the right to do, he did have a conversation with Mr. Bayard, and an objection was made to Mr. Bayard consulting with him. He claimed the right to talk to Mr. Bayard, and the Court sustained his right. Mr. Bayard consulted him as he pleased. Now, Mr. Lewis was not in the case as counsel, and yet he was taking an interest in it, and apparently affording

some assistance to the counsel on one side, the side opposed to Mr. Richmond. Whether this shows individual interest in the case, individual interest in the general movement against Mr. Richmond, is for you to judge. I do not say that it does show it, but it is a matter for your consideration.

We have, then, the interviews with members of the vestry before the offering of the resolution.

On December 14, a vestry meeting was to be held. At this meeting the resolution drawn by Mr. Lewis was to be presented. As the vestry stood, it was composed of Messrs. Paul, Sr., and Jr., Brown, Sr., and Jr., Hamilton, Kelly, Keene and Grafley; the last a gentleman who took no active interest in the parish, and who had not attended meetings for years. Mr. Brown seems to have bent his energies to procuring a majority for the resolution. Four of the vestry were business associates. Keene was an adherent of the Rector. Argument was brought to bear upon the Pauls; pressure upon Mr. Grafley to induce him to attend and vote for the resolution. By "pressure" I do not mean any improper means were used. I mean simply that such arguments were presented as would induce him to vote. Mr. McDermott, who had resigned from the vestry, and whose resignation had been accepted in October, was persuaded to withdraw his resignation, or to be re-elected. The question, of course, was whether he might be allowed to come back to the vestry.

On the way to the meeting Brown stopped at Paul's house and was told by him that he feared he could not vote, as he had desired to, because he was short in his accounts with the Church. Brown asked him how much the shortage amounted to, and on being informed of the sum, he offered to give Paul his check for an amount sufficient to cover it. This offer Paul accepted, and received the check. Both men then went to the meeting, not, I believe, together. I am mistaken about that. They did go together. The meeting assembled. It was moved to fill the vacancy in the board, and Mr. McDermott was nominated to fill the vacancy caused by his own resignation, and Mr. Bozarth was nominated as the opposing candidate. If Mr. McDermott should be elected, there would be no doubt of the obtaining of a majority of the vestry for the resolution requesting the respondent's resignation.

Just before the vote was to be taken on the motion to request the rector to resign, Mr. Richmond requested a conference with Paul. The two left the room accompanied by the younger Paul, and on their return the two Messrs. Paul voted against the resolution. A scene of confusion followed the adjournment of the meeting, and the next day Mr. Paul returned to Mr. Brown the check he had received from him the former evening, and there appears to have been no hesitation on the part of Brown as to its reception. Whether there is any significance in the circumstances accompanying the giving and return of the check is for you to say.

Mr. Brown reported the result of the meeting to Mr. Lewis. Just before this citations upon two presentments which had been duly sworn to on December 11th and 12th were served upon the respondent, and on February 26, 1915, a fresh presentment was made containing charges antedating those contained in the first and second presentments, and still later a fourth presentment covering matters which had arisen out of the effect of the first two presentments upon the respondent, and some arising out of occurrences at the trial of said presentments. The latter two presentments have been consolidated, and are now before you.

Bishop Rhinelander and Mr. Lewis depended, for the execution of their "dirty work" connected with the ecclesiastical killing of Mr. Richmond, on four men employed at Ed. Henson's lumber yard, on the banks of the Delaware. They have been called "the gunmen" of the Richmond trial. Charles A. Brown, Will Hamilton, Le Roy McDermott and Tom Gale. These men were at one time enthusiastic followers of Mr. Richmond, but were influenced by Bishop Rhinelander and his private counsel, Mr. Lewis, to work against their rector, who, in days past had befriended them. They made a sickening and morally nauseating appearance on the stand. In referring to Tom Gale, the Chancellor says: "He showed himself a very strongly prejudiced witness. His conduct on the stand was, I think, hardly such as to commend itself to your approval, and I advise you, taking everything into consideration, that if you should find this specification sustained you will do so on very slender, and to my mind, doubtful testimony" (4866).

The charge that Mr. Richmond "did touch in anger one Anna Philips and did commit an assault and battery" upon her leads the Chancellor to state: "Apart from the evidence given by Mr. Richmond we have here a case which, I think, would be laughed at in a criminal court of the commonwealth. Two girls were misbehaving in church. Not seriously. Girlishly. One was a parishioner of the respondent. It is worthy of note that Miss Philips was not produced as a witness, and that the presenters have not even issued a subpoena to secure her attendance. You will, therefore, be justified in concluding that her evidence, if produced, would have given no support to the presenters' case. Therefore, the evidence, taking Mr. Hamilton's testimony, does not show any touching or attempt to touch in anger, and at most the taking hold of the girl by the arm after service, which might have been in a most fatherly manner, and the escorting of the girl outside of the church proper, for the purpose, one may believe very well, of admonition, a thing within the province of any priest, there is nothing upon which a conviction upon these charges can be sustained. Indeed, there is no need to find any justification of the conduct to sustain acquittal upon these charges. The presenters have simply shown no action which amounts to even *prima facie*. The charges, therefore, taken into consideration in connection with Mr. Hamilton's testimony, seem silly, and, as no honest effort has been shown to support them in their very essential part of the evidence of any person who saw the transaction, and such persons were within reach, in fact a stronger adjective might be attached to the charge than "silly." The case is one where in a secular criminal court the jury would be justified in putting the costs of prosecution upon the responsible prosecutor, who in this case are the presenters. There is nothing which raises any question as to a breach of ordination vows" (4868).

William J. Hamilton knew in October, 1914, from what Bishop Rhineland had told him that Mr. Richmond would very likely be presented soon "for trial," although Mr. Richmond had not been conferred with. Having the evident backing of the Bishop and Lewis, young Hamilton entered St. John's Church on Thanksgiving Day, 1914, while the building was closed to the public, and removed from the parish property a "Rector's Notice" composed by Mr. Richmond and put up in the vestibule of the church at his order. After due notice from Mr. Richmond and after being given every chance to express his regret and penitence for such an anarchistic act, Mr. Richmond had Hamilton arrested and tried before Magistrate Renshaw, in the Central Police Court. For this act Mr. Richmond was charged with violation of his ordination vows. On this charge the Chancellor says: "Now, trifling as it may have been, the action of Mr. Hamilton, constituted, *prima facie* at least, an offence for which he might be held responsible under the laws of the State of Pennsylvania. To compare little men with big, the case is very much in this part of it like the case of Lord Cochran, the distinguished English admiral. He was arrested, tried and sent to jail in England. You will find it very fully stated in his life, his autobiography, and he very bitterly resented the fact that he was held on a technical charge of taking down a notice in bankruptcy or something of that kind, from a place whence he thought he had a right to remove it. A small offence apparently. Nevertheless, technically an offence, and the English admiral suffered a great deal more for such an offence than it is possible for Mr. Hamilton to have suffered here. In passing upon the question of the guilt of the respondent upon these charges you will bear in mind that an official notice posted by the recor had been torn down (by Hamilton) and carried away (and in view of what has appeared in other parts of the proceeding you may infer that it was carried away for the purpose of strengthening the proceedings against the respondent, which were then contemplated and probably under way, of piling up ammunition). That the act, more than the mere tearing down of the paper, savors of contempt, that Hamilton was a parishioner of the respondent, and had ignored his note, and had finally refused to meet him at any time for the purpose of explanation or discussion (4916).

"As to these charges—62, 63, 64, I may reiterate what was said in connection with charges 56, 57 and 58, adding thereto that these charges now under consideration seem to me so trifling and frivolous that the court ought not to have been compelled to waste valuable time upon their consideration, coupled, as they have been, with matters which are really grave. To me they seem not *de minimis* but *de minimissimis*" (4969).

"In this connection I have to say that when charges are made, and no attempt is made to support them, those facts may be taken into consideration by

you in making up your mind as to the *bona fides* of the prosecution. There has been no attempt in any way to sustain charges 65, 66, and 67, while as to charges 68 and 69 a witness was here on one day and the court declined to interrupt its proceedings to hear the witness immediately and there does not appear to have been any effort to procure his attendance at any subsequent date." (4970).

In referring to certain letters in evidence written to Mr. Richmond by the late Rt. Rev. Alexander Mackay-Smith, the Chancellor speaks as follows:

These charges are very serious. The evidence shows that on May 4 the Rt. Rev. Mackay-Smith wrote to one Charles A. Brown a letter in which he published several libels against the respondent. First, he speaks of the respondent as the "grossest failure we ever had in this Diocese," second, as possessed of low cunning, inspiring fear. It also appears that the Rt. Rev. Mackay-Smith, on April 25, had written and published by sending to the same gentleman a letter in which he alleges that the respondent was as ignorant as a wild Indian of the whole theory of clergymen in our Church; that he had manifested utter contempt for a solemn oath; that he treated Bishop Whitaker with studied insolence; that the respondent took advantage of the withdrawal of the Canon with reference to conduct unbecoming clergymen and a gentleman; that several bishops had declared to the writer that they thought respondent off his balance mentally; that he had misbehaved wherever he went, and had been the curse of the Diocese; that when he was ordained the other clergy had such a horror of him that they would not join in the imposition of hands; that Bishop Huntington found out and got rid of him; that his conduct in apologizing in January, 1911, was such that he should have been so filled with humiliation that he would never have been heard of again; that some men would have committed suicide before they would have signed such a paper; that he clings to his parish at a small salary because if the parish gave him up he could never get another; that the bishops were on their guard against him; that editors called him "Crazy Richmond." The letter also contained assertions, some of which have been proved in the course of this trial to be untrue, and it is a gross libel, in an action upon which any judge would be compelled to charge a jury that there should be a verdict for the plaintiff, and in which a verdict for heavy damages would necessarily be sustained, the case being aggravated by the character of the defendant, a Bishop, and the character of the plaintiff, a clergyman, libelled as to matters especially coming within his office. Both these letters also contained threats not very creditable to the writer, but not here involved, except that the animus shown would have perhaps swollen the assessment of damages by a jury.

Under these circumstances, an offer of settlement such as was sent to Dr. Frank with the intent that the Rt. Rev. Mackay-Smith should be made acquainted with its contents, is not prima facie evidence of an endeavor to extort money. It is at most an offer to settle for the sum of \$13,000 (of which the respondent was to receive for himself but \$10,000), and what is in effect a retraction of the libellous statements.

Now, by itself, the amount asked is not, under the circumstances, an exorbitant one. There is a case in my own experience. A prominent paper in this city published a libel to the effect that a certain physician had made an address at a public meeting in which he advocated helping people, who could not recover their health out of the world gently by the use of proper medications. An action was brought for the libel, and after considerable testimony had been taken by commission in different parts of the United States, the case was settled for \$10,000, and an entire column of the paper to be given up to the libelled person for his vindication. It was settled after the suit was brought.

In a rather amusing suit here some time ago an action was brought against the same paper, by the way, by a gentleman whom we used to know as the "Dandy Mayor" of the city. He recovered a verdict of \$35,000, and it was sustained by the Court below. The Court above thought it was a little exorbitant and sent the case down for a new trial as to the amount of damages. Still, there is a big difference between \$35,000 and \$10,000. Many other cases could be easily picked up. I mentioned these two because they come, to a certain extent, only in part, within my own knowledge.

Damages in libel cases are always so uncertain that very large sums are always laid in the statement. But the letter is not to be judged only by the sum mentioned. The letter was part of a negotiation, and many cases are settled by the one side asking a sum which, for the sake of a settlement, it is willing to reduce, and the other side offering one which it is willing to increase, and a compromise is eventually arrived at.

Mr. Richmond, with some humor, pointed out that the \$10,000 was the sum which the Rt. Rev. Mackay-Smith in writing had said he was willing to spend in order to defeat Mr. Richmond's action.

"There is no doubt that those letters were defamatory and improper. The letter which was called for and put in evidence by the presenters is low and abusive and it is hard to conceive how any one having the least interest in the reputation and least of all the one who had been the counsel (Lewis) of the late Bishop, the chief presenter, could have so instructed counsel in charge of his case as even to risk its production" (4985).

We come now to a series of charges arising out of a sermon preached March 7, 1915. Mr. Richmond had been presented upon two presentments, the preliminary stages of his trial thereon were progressing, there was disaffection toward him in part of his own vestry, an effort made to remove him from his rectorship, brought about, at least, in his belief, by powers of influence outside of the parish, as he further believed because his sociological views were not in accord with those of men near to the rule of the Diocese.

Under these circumstances on March 2nd a new presentment is served upon him, by the presenters headed by the same gentleman who had figured in the first presentment, and who has assumed responsibility for the present movement.

Under these circumstances, the respondent might well be expected to be in a state of intense irritation, and properly or not, to be smarting under a sense of injustice. An outbreak, therefore, seems to have been looked for by Mr. Richmond's antagonists, and preparations were made to take advantage of that outbreak. How far it accords with the spirit of Christianity to prepare to take advantage of a possible, yet not committed wrongdoing of another person, and how far the action taken in the case savors of the agent provocateur of the French police system, is a matter for the grave consideration, not only of the triers, but of any one who is interested in the discipline and peace of the Church.

Preparations were made and a stenographer engaged by Mr. Lewis and sent to the church, and he was instructed as follows:

"I was instructed that my principals were not desirous of getting the whole sermon, but they were desirous of getting those portions which were adverse criticisms of Bishop Rhinelander and the Church" (p. 387), and the witness tells us he followed the instructions. You will bear this in mind in considering all the charges based on extracts from the sermon. As to the extract which has been read, we do not seem to have evidence of the context of the expression complained of. As the expression stands by itself, it seems senseless, and the part of the notes read by Mr. Penney on cross-examination does not seem to me to connect very well with it. You may form a different conclusion, and your conclusion must govern. Standing by itself the utterance, while apparently foolish and in very bad taste, seems a rather slender foundation for a charge of a breach of a vow which would seem to require a violation by a course of action—conduct—rather than by a sporadic act.

Now, gentlemen, that is the testimony about the letter and its alleged theft. It may be noticed that the presenters did not attempt to contradict Howard's evidence. If Howard's evidence had been incorrect, the presenters were at liberty to call the Bishop to contradict it. The Bishop had not at that time been called as a witness for the presenters. He had been called by the respondent. The presenters had full liberty to call the Bishop as their witness. He was on the stand subsequently in the presenters' case in rebuttal, but he was not even asked about any of the matters in Howard's testimony. This is very significant, especially as Howard's testimony had a bearing upon other matters than the charges which we are at present considering. Under this testimony—and you will remember that only testimony of matters which were

communicated to Mr. Richmond before the preaching of his sermon of March 7, 1915—was the respondent justified or excusable in using the term "thief" in connection with the Bishop?

Now, I do not for a moment suppose that the Bishop thought he was committing either a moral or legal offence when he retained the letter which did not belong to him, and having received it on the 13th held it until the 21st, without apparently saying anything about it to the owner of the letter. In this connection you may consider whether Mr. Richmond used the word "thief" in its strict technical sense, or in a mere popular one.

The evidence practically is at one in showing, first, that the true owner of the letter was Howard; second, that the letter was taken by the Bishop from the letter in which it was enclosed by Mr. Emhardt; third, that the action of the Bishop deprived Howard of the use of something which was his; and, fourth, that the letter was considered as of some value, as is shown by the care taken of it by the Bishop.

Under these circumstances it seems to me that you may find that a theft, at least in the popular sense, was committed, and that the retention of the letter by the Bishop made him a party to it.

"Gentlemen, I have been very much struck in this case with the fact that so many witnesses, and I think all of them clergymen, have found it expedient to consult counsel either before testifying or during the taking of their testimony. It does not make a favorable impression. The duty of a witness is clear. Simply to tell the truth, the whole truth and nothing but the truth. A witness who endeavors to do only that would hardly seem to need counsel as to the evidence he has to give, and especially he ought not to talk over the evidence proposed to give, unless the case be one which would affect him personally, in which case he may very properly be instructed as to what are incriminating questions, such as would expose him to punishment" (5034).

The evidence applicable to these charges has been very largely gone over in the discussion of the general defence of conspiracy. You will remember the discussion, and will add to it the results of your independent examination of the testimony. To me it seems that there is evidence from which you may—I do not say should, the matter is entirely for you—find that a conspiracy in the popular sense, that is, a knowing co-operation of more than one person to get rid of the respondent as Rector of St. John's existed. I advise you to read carefully and critically the evidence of Mr. Lewis, Bishop Rhinelander, Mr. Brown and Mr. Paul. It is their evidence which has led me to this conclusion.

If you shall find that such conspiracy existed, then you will further ask yourselves whether, notwithstanding the truth of the assertion, the utterance still constituted offences within the meaning of all or any of the various vows recited in the charge, or of the Canon punishing conduct unbecoming a clergyman, and as you shall have determined these questions should be your verdict.

OPINION

IN presenting my reasons for dissenting from that portion of the verdict which finds Mr. Richmond guilty, I submit that in this case, which is apparently very intricate and complex, but which is, in reality, very simple and clear, the first fact evident from the testimony, is that all of Mr. Richmond's alleged offences, without exception, as set forth in the charges preferred against him, are the outgrowth, either directly or indirectly, i. e., either in the effect produced upon him personally, or upon the life and the people of the parish over which he was rector, of a situation created by the actions of the authorities of this Diocese, and "a leading layman" so called, in conjunction with other less influential persons. I mean in the first place Bishop Alexander Mackay-Smith, Bishop P. M. Rhinelander, and Mr. Francis A. Lewis. Actions further, which if permissible, jeopardize the safety, security and position of every clergyman in this Church, and the peace, harmony, happiness and prosperity of every parish in the land; and which are permissible neither in morals nor law against any clergyman, no matter who he is, nor what he has done, being immoral, unchristian, uncanonical, and in my opinion, illegal. I mean, by way of illustration from the evidence, the action of Bishop Alexander Mackay-Smith in publicly attacking one of his clergy in the public press, for a supposed offence about the Open Pulpit, which in reality was no offence at all, and especially without hearing him, his action—a dastardly action at all times, but especially in times of peace, in entering into a parish, aided and abetted by Mr. Francis A. Lewis, tampering either by direct or indirect suggestion with a member of the vestry, and seeking through him the removal of the rector who happens to be displeasing to him, his writing scurrilous, threatening and libelous letters to members of a parish about their rector, and otherwise seeking to alienate the allegiance of vestrymen from their clergyman. I mean in the case of Bishop Philip M. Rhinelander, by way of illustration also from the evidence, his conspicuous failure for months to act not only as a Father in God, but even as a brother-in-God, to one of his clergy in withholding himself from intercourse with him, while meeting readily and hearing freely, his opposed vestrymen, making known his desire to get rid of him, and referring some of these vestrymen to his counsel for fur-

ther conferences, especially when in his capacity as Bishop he might have to act in a judicial capacity in the case. There is no doubt from the evidence that Bishop Alexander Mackay-Smith and Mr. Francis A. Lewis, in 1911, sought by underhand and high-handed methods to deprive Mr. Richmond of his living and parish, and that practically the same thing was attempted by Bishop Philip M. Rhineland and Mr. Francis A. Lewis in 1914. The evidence also shows Mr. Lewis' desire to drive Mr. Richmond from the ministry of the Church. And it should be noted that this antagonism on the part of the Diocesan authority and layman dates from 1910, or almost the beginning of Mr. Richmond's ministry in the Diocese of Pennsylvania, and apparently before his commission of any of the offences here charged against him. Mr. Richmond was not primarily the "troubler in Israel," not the "aggressor," according to the evidence, but Bishop Mackay-Smith and Lewis were, and later Rhineland took Mackay-Smith's place. While, of course, technically, Bishop Mackay-Smith, Mr. Lewis and Bishop Rhineland are not on trial, in reality they are; for it is impossible to determine the innocence or guilt of Mr. Richmond of the offences charged without an evaluation of the performances of these men which, as we have said, evoked the actions of Mr. Richmond. This makes this trial additionally painful and embarrassing.

The effects of these attempts and performances upon Mr. Richmond were just what might have been expected. He is a man of ardent temperament, intense nature, unusual ability, great earnestness, prophetic spirit, strong convictions, and decided social, political and economic views. Feeling himself, as he was, in the presence of one of "the inhumanities of wealth and power," where might alone made right, apparently, he was incensed, became thoroughly aroused and sought to defend himself. An abnormal situation of Episcopal manufacture demanded unusual treatment and received it. Conduct unbecoming a clergyman and violation of ordination vows which are evident in a normal and usual situation may become eminently fitting, and the conduct which becomes a clergyman and the fulfilment of ordination vows in an abnormal and very unusual situation, as in this case, when fundamental, legal and canonical rights were ruthlessly invaded by domineering power and intermeddling wealth. "For sore ills, sharp remedies." Mr. Richmond may not always have been conventionally judicious

or discreet, nor is any man likely to appear to best advantage when contending against such conspirators within and without his parish, or in a trial superinduced by them. In my opinion, however unusual Mr. Richmond's actions and utterances that are complained of may have been, none of them constitute conduct unbecoming a clergyman nor a breach of ordination vows *in view of the unparalleled circumstances confronting him and the personality of the man*. Further, there is abundant indication in the testimony itself of a tenor of life becoming a clergyman in normal conditions and a fulfilment of ordination vows that is commendable.

Let me illustrate what I mean. The offence perhaps most unpardonable in the average Episcopalian mind, because of its adulation of the supposed divinity that doth hedge about a bishop, is the statements in the sermon of March 7th, 1915, regarding Bishop Rhinelander. These statements are, in a sense, regrettable, but more regrettable is the truth in the statements and the necessity for their making. Bishop Rhinelander's practical theft of the Howard letter; his supercilious and arrogant treatment of Howard—a man thirty years of age; his use of the contents of the letter against Howard (a thing which it is difficult to see how a high-minded man could do) and the miserable subterfuge about obtaining the information *de novo*, as if such could really be obtained *de novo*; his summary, arbitrary and tyrannical treatment of Mr. Rhodes, whose defiance is refreshing, which revealed "the encroachments of an unscrupulous absolutism," and apparently his eminent "unfitness to be entrusted with the responsibility of the exercise of power," his treatment of Dr. Yerkes and attempts to sunder friendships—all this was known recently to Mr. Richmond through some of the injured parties. He also knew of Bishop Rhinelander's injustice toward himself, as shown in the testimony, and that he had been served a few days before, on the eve of a trial upon the first two presentments, with another presentment containing charges antedating those contained in the earlier presentments, which his ecclesiastical enemies had gathered in, and that this was the work largely of Mr. Lewis, and sanctioned by Bishop Rhinelander; that even as he preached, there was a paid stenographer in front of him, hired by Lewis, to spy upon him and with orders to report not the whole sermon but those utterances that might be used against Mr. Richmond—his enemies evidently expect-

ing some outburst under the circumstances and eager to take advantage of it; a fine type of Christianity—is it any wonder that Mr. Richmond, preaching an extemporaneous sermon upon Hypocrisy, Ananias and Sapphira, broke forth into strong denunciation of the powers that be, their principles and methods? Some may condemn; I cannot. Not conventional—yes; impolitic—yes; but under the circumstances certainly pardonable. I would even say justifiable, for were there more publicity and denunciation, our Bishops would be of a higher type than that revealed in this testimony in the Bishop Mackay-Smith and Bishop Rhineland variety. Truth and freedom, let us remember, are more important than Episcopal dignity and feelings. And what other redress does a humble clergyman ever have in the face of money, unscrupulous power and social prestige than publicity? Deny and punish this right and we shall soon need a few Cromwells in the Church.

Even a clergyman has rights. Even a worm will turn eventually. "The hunted boar will turn to bay. 'Tis his right; and I hold him less than man that grudge it him." Mr. Richmond was defending his rights, and not only his own, but the rights of every clergyman of the Church, especially the humbler clergy; for it is abundantly evident from the testimony in this case that the Diocese of Pennsylvania needs to be made safe for its clergy, and one of the most painful but inevitable thoughts suggested by the testimony is: How many of the clergy, feeling themselves impotent in the presence of power and influence, and not venturing upon resistance, may have submitted without a struggle and gone down, broken-heartedly perhaps, before tyrannical authority and wealth. This "invisible government" must end. If it does not end and the present leadership of the Diocese continues and present methods prevail, the prime and indispensable necessity of the Diocese is a Tribune of the People.

Further, it seems to me, that to create a situation by sinister and immoral machinations, and then to try the victim for his manner of resisting is adding insult to injury. It is about the quintessence of meanness and the concentrated essence of the despicable. This is practically what Alexander Mackay-Smith, Philip M. Rhineland and Francis A. Lewis have done, in their aggression against and their treatment of Mr. Richmond, his rights and his parish in the first place, and then in presenting him for trial, Mr. Lewis being the chief presenter. For Mr. Richmond to be pun-

ished while Mackay-Smith's memory is unimpaired, Philip M. Rhinelanders holds a life position of honor and rich emolument per year, and Francis A. Lewis rests in ease and affluence; and lesser lights, both clergymen and laymen, whose performances have been reprehensible in this matter, as can be seen from the testimony, go unscathed, is, in my opinion, preposterous, unjust, unthinkable. Perhaps, however, it is ecclesiastical justice; but I remember that ecclesiastical justice has frequently been a travesty, a mockery, a stench in the nostrils of men since long before Jesus of Nazareth stood before the Jewish Sanhedrin until quite recent days. Even if Mr. Richmond were technically guilty of any or all the charges, and I do not believe that he is, there would be need for the application of the principles admirably enunciated in the words of a daily paper of recent issue, "a court of justice sometimes rises superior to a court of law, and wisely," and he should be permitted to go, in view of the sordid story revealed in the evidence in this case.

There is need of very plain speech in this case. First, because in my judgment, it is highly probable that the first trial of Mr. Richmond in its outcome, in view of the revelations in this trial, represents a farce, a fiasco, a gross miscarriage of justice, a veritable second Dreyfus affair, because originated and engineered, both remotely and immediately, by practically the same forces and persons that have figured so disreputably in this. Secondly, because if Mr. Richmond has been very unjustly and shabbily treated, hounded and persecuted, as I believe that he has been, after an exhaustive study of the case, the fact should be stated. Thirdly, because as the able, impartial and noble gentleman who is the present Chancellor of this Diocese has so clearly declared, we represent the judicial power of the Church, not primarily of the Diocese of Pennsylvania, but of the Church acting temporarily within the Diocese of Pennsylvania, and the Episcopal Church cannot sanction, condone, connive at or overlook such performances as those exhibited by the investigators of and the chief actors, Episcopal and lay, in the Richmond trouble. This cannot be done, because the Episcopal Church claims to be a Christian Church, and such performances are essentially unchristian and intolerable. Because the Church makes loud boasts of being Apostolic and representing Christ, while such conduct violates Apostolic preaching and principle and signally misrepresents Christ. Because the Episcopal Church is disliked and distrusted in

many circles for its retention of Episcopacy, which in the same circles is commonly identified with prelacy and its attendant ills; and we have in this case some of the worst symptoms of prelacy in the conduct of Bishop Alexander Mackay-Smith and Bishop Philip M. Rhinelander. Lastly, because the Episcopal Church is accounted popularly the Church of the rich—its constituency being chiefly the rich and the poor, the independent, virile middle class being found chiefly in other religious communions—and the peculiar sphere of the operation of the money power in untoward influence and oppression, and we have here in this case one or two of its representatives, Episcopal and lay, acting as aggressive, egotistic wealth frequently acts, without regard to right and justice. And here careful study of this case leads me to express my convictions that this whole persecution and prosecution of Mr. Richmond is due primarily to the antagonism felt by two Bishops and an influential layman to his views upon ecclesiastical, social, political and economic questions, and his fearless, direct and vigorous method of expressing them, an antagonism which found easy dupes or tools in a parish (a possibility in any and every parish, especially among the dissatisfied) who could be impressed by the patronage of position and power; and makes me wonder what would have been the fate of a Samuel, a Nathan, Amos, Hosea, Isaiah, Jeremiah, John the Baptist, poor Jesus, the Apostles who were accused of turning the world upside down, or a Paul, in the Episcopal Church, in the face of conduct unbecoming a clergyman and violation of ordination vows when interpreted by similar control. Ye Gods! Small wonder that the Church is constantly losing her hold upon the masses, and the movements which promise the amelioration of social ills—the introduction of the Kingdom of God on earth—are found outside her borders, while her conventional Bishops and clergy pound their pulpits, peddle their piety, and prate their prayers, as they play and dabble with social service—a good enough thing in its way, but one which but skirts the mere fringes of society's needs. (And parenthetically it might be added, that the much talked of troubles of Mr. Richmond elsewhere have revealed, upon examination, only the same antagonism as their source.)

It is not pleasant to say these things, nor is it easy. It is eminently distasteful. It were far easier and pleasanter to cast the mantle of charity over the whole thing, especially

as it is a mess of the first magnitude; to follow the truly Christian advice of Robert Burns:

Then gently scan your Brother Man,
Still gentler Sister Woman;
Tho' they may gang a kennie wrang,
To step aside is human:
One point must still be greatly dark,
The moving *why* they do it;
And just as lamely can ye mark
How far perhaps they rue it.

Who made the heart, 'tis He alone,
Decidedly can try us,
He knows each chord—its various tone,
Each spring—its various bias:
Then at the balance let's be mute,
We never can adjust it;
What's *done* we partly may compute,
But know not what's *resisted*.

But I must follow the advice of the great Chancellor of this Diocese, whose words in his masterly charges to the triers are: "You must judge the participants in the occurrences upon which these charges are based, whether such participants be living or dead, with rigid impartiality. You can know no distinction, and in the matter before you, the maxim which must guide your finding and judgment is not *de mortuis nil nisi bonum*, but *fiat justitia*."

The prosecution, too, with an insistence and ruthlessness worthy of a far better cause, has contended for its pound of flesh, and its exact pound it shall have so far as I am concerned, and so I have spoken and so I speak. That the verdict at which I have arrived would be the verdict before the Tribunal of Public Opinion, were the evidence known and read, I do not doubt for a moment, and what a pity it is that every clergyman of the Diocese is not compelled to read the evidence, or at least the Chancellor's charge, and every Bishop of the Church, too, that they might know what was going on in the land. That this would hurt the Church is undeniable, but it does not hurt the Church half so much as the concealment, "the hushing up," which permits the continuance of such evils on the part of its authorities as those disclosed in this trial. Ecclesiastical white-wash and highly perfumed salve must give place to strong disinfectant for the corruption and the surgeon's knife for the corroding Diocesan cancer. That this is the verdict before the Supreme Judge, I do not doubt, and I also remember that there Jesus frequently blesses him whom the Church curses.

It should not be necessary to say these things. It would not have been necessary, probably, had those who were sup-

posedly aggrieved by Mr. Richmond's actions sought by Christian means and persuasion to remedy what seemed to them an evil. According to their own and other testimony the presenters made no attempt, either personally or through others, in this direction. Neither did this idea hardly occur. Strange Christianity! And also painfully suggestive of the thought that the aim was not to remedy an ill, but to crush a man. Again, in addition to this conspicuous failure to attempt settlement by amicable means, the presenters made practically no examination, as the testimony shows, into the evidence supposedly supporting the charges against Mr. Richmond, especially to see whether there was anything in the way of the justification or palliation of Mr. Richmond. Nor did they avail themselves of the Commission of Inquiry which the Canon provides. They signed chiefly on Mr. Runk's and Mr. Lewis' request. And Mr. Lewis himself even did not know of Bishop Mackay-Smith's libelous letters about Mr. Richmond, as he admits. It seems to have been a kind of "I tickle you, you tickle me" business; obliging, you know; a social circle affair; a tea party festival. But what shall we think of men who assume the responsibility for action against a clergyman which may even deprive him of his ecclesiastical life with such superficiality? Again, the Bishop of the Diocese and the Standing Committee exhibited remarkable stupidity in permitting this trial at all, involving such regrettable disclosures as it has concerning Bishop Mackay-Smith, Bishop Rhineland and Mr. Lewis, with the possibilities of which they should have familiarized themselves by a thorough investigation, although there are signs in the evidence that they had abandoned all judicial attitude and become opponents of Mr. Richmond. I am strongly reminded of how "a certain dry rot," about which I was reading recently, "due to the tendency of the Prussian Government to distribute its diplomatic offices among high-born but incompetent Junkers—*une petite gentilhommerie pauvre et stupide*, as Bismarck once described them—had affected the efficiency of German diplomacy." Thus, the Diocese would have been saved a deplorable scandal and thousands of dollars, and I would not have to speak.

Mr. Richmond has also been badly treated in that he has been compelled to fight for his life without legal counsel. The Episcopal Church should, in common decency and justice, make some provision in her Canon Law for assigning counsel (and competent counsel) to an accused clergyman

in an ecclesiastical trial, when necessity for such action arises. This is done by the secular law, while the ecclesiastical law is far less fair and merciful. Here, as so frequently, the Church lags behind the world. Clergymen, as a rule, are notoriously poor, and in consequence may be at a decided disadvantage when arraigned. The spectacle in this trial, for instance, of a clergyman of necessity conducting his own case in the face of a hundred and forty charges, and pitted against two trained attorneys, was certainly far from edifying. This practically is to victimize a man at the outset, and while such a course may satisfy Church consciences, it does not satisfy the conscience of the world. It, rather, calls loudly for remedial legislation. Again, it will always be a lasting shame and disgrace to the Diocese of Pennsylvania that no lawyer or lawyers among the large number comprised within its membership volunteered to aid in the defense in this case; not necessarily out of interest in or sympathy with the defendant, but simply as a matter of assistance to the Court and in love of American fair play and a square deal. This is often done in our Secular Courts, and it could well have been done in this case, with honor to the Diocese; but here once more, as it seems to me, the conscience of the Diocese, apparently a very complacent and self-satisfied Diocese, even if corrupt and contented—is at fault. Counsel was all the more necessary when there is a suspicion that the actual prosecution had been connected with the preparation for prosecution before such prosecution had been lawfully authorized, and was apparently prone to meddle with the witnesses for the defense, and in the face of questionable practices. The whole thing is a disgrace to the Diocese and a blot upon the history of the Episcopal Church.

Because the evidence of Mr. Lewis, Bishop Rhineland, Mr. Brown and Mr. Paul shows so clearly that a conspiracy existed to remove Mr. Richmond; because he was hounded and persecuted; because such “systematic means were taken to take advantage of indiscretions”—the indiscretions, if indiscretions at all, of a man goaded and set on fire by constant wrong and long-continued oppression, and for which he has more than amply atoned by the strain and stress of his trouble; because there is such a record of official impropriety, incompetence and maladministration; because these things provoked and evoked the complained-of actions, which, to my mind, are decidedly pardonable or justifiable under the circumstances, I cannot agree in finding Mr. Rich-

mond guilty of violation of ordination vows in his denunciation of Bishop Rhinelander, in his statement regarding Messrs. Lewis, Rhinelander, Brown and Paul, and in his statement concerning Mr. Grafley, who apparently lent himself to the execution of the design against Mr. Richmond, after failure to attend a vestry meeting for fourteen years; the matters upon which my colleagues have felt compelled to find him guilty, a very few charges (practically three) out of the portentous 126. In my opinion, there is guilt in this case—grave, moral and Canonical guilt, possibly criminal guilt—but it rests elsewhere than upon Mr. Richmond.

“The greatest need of our diocese today is the removal from the Episcopal office of Bishop Rhinelander.”

From a recent statement by the Rev. Dr. Robert Johnston, Rector of the Church of the Saviour, West Philadelphia.



PEACE:

HOW TO GET AND KEEP IT



BY

HARRY GOSLING, C.H., J.P., L.C.C.

PRESIDENT OF THE BRITISH TRADE UNION CONGRESS, 1916
PRESIDENT OF THE TRANSPORT WORKERS' FEDERATION, 1917

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PEACE: HOW TO GET AND KEEP IT

BBRITISH labour wants peace. But it wants a settled peace, a peace that will ensure the world against being once more plunged into war at the will of a group of autocratic and ambitious statesmen, eager for world power.

There is no need to tell us the horrors of war. We know them. We knew something of them before this war began. The past three years have brought home still more to all of us what war really means. There is not a parish in England without grieving mothers and mourning wives, left alone through the deaths of their sons or husbands on the field. Labour in particular has felt the rigours of war. Some of our institutions, which we imagined to be proof against all change, have been thrown into the melting pot of national necessity and emergency. The personal loss, the class upheaval, and the national waste that this war has brought us need no telling.

But just because we are appalled by the tremendous losses and sufferings of war, and of the waste of life of our picked young manhood, we are the more resolved to go on until we have ended the menace to the world that made war such as this possible. Millions of our countrymen voluntarily

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took up arms. They went to war to end war, and they mean to do it. They went to war for justice and public right, which they are resolved to maintain.

Of the exact terms and conditions on which peace may eventually be concluded I do not speak. But the working men of England know that if all our sacrifice is not to be in vain, there can only be one end, and that is the complete overthrow of German tyranny. For that we are willing to go on fighting just as long as necessary. It is the essential condition to future world safety.

We hope for the complete defeat of Kaiserism for the sake of the German people as well as for the sake of the world at large. The victory of Kaiserism would mean for labour the death of liberty. Regimented, drilled, and exploited, trade unionism under the control of a triumphant German military party would have very little power. Labour would be organised—not for freedom and for the betterment of its lot—but for its more thorough exploitation. Kaiserism and democracy do not mix. The labour movement as we know it is wholly democratic. I am convinced that one of the great causes influencing the Kaiser and his advisers when they resolved to plunge the world into war was the fear of the rising democratic movement among their own people. They saw that Labour was realising its strength and making that strength felt. They saw great growth of unrest which might well, if allowed to go on, threaten the Imperial throne itself. They diverted the energies of the people from examining their own conditions of life to war.

To-day Germany lies under a veil. The real spokesmen of German labour have been silenced.

The men and women who have dared to say what they thought have been sent to the trenches or to prison. It is no easy thing in a land like Germany for any man who opposes the national policy to make himself heard. But the forces of progress, stilled and silenced now, will make themselves felt and heard at the first opportunity. In the days before the war, I visited Germany and knew some of the organisers of German labour. I was last in Germany, at Cologne, at a gathering of the Union of Transport Workers, almost immediately before war broke out. From my knowledge of these people I am convinced that once the veil can be removed we shall find in Germany itself strong forces that are wholly opposed to the policy and methods of the ruling powers in Berlin. The peace which we have in view will give German democracy a chance to assert itself against German Imperialist militarism.

A half victory, an inconclusive peace, a settlement which settled nothing, a patched-up truce under which the nations had breathing time to re-equip themselves for fresh conflict on a still more terrible scale—that would be the crowning disaster. Our people would ask if all their sacrifices had been in vain. The barrier of suspicion and mistrust between the nations would remain greater than ever. Strife would not end; it would go on.

The trade union of which I am secretary, the Amalgamated Society of Watermen, Lightermen and Bargemen of the River Thames is, as its name shows, a union of rivermen. Our members work hard and lead a rough life. They are out at all hours, and they must be ready to face any conditions of weather. They are strong men; they must

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be strong men. Long ago they learned that if you have a quarrel, the best thing is to fight it out and end it, once and for all. When our rivermen fall out they go down into the hold of a barge, where, with the narrow sides of the hold forming the ring, they fight to a finish. Neither man can get away, neither man wants to. When the fight is done, the first business of the victor is to see to the man he has beaten, to help him up and to help him along. Then the thing is ended.

That is the British way. It is not our natural habit to bear perpetual ill will. When we have beaten Germany—as we are going to—present enmities will not endure. Our people will say, “It has been a long fight and a hard fight. It is over.”

The foundation on which future peace must be built is the defeat of Prussianism. Having laid that foundation, we can start to raise the pillars of our new world. We must plan out, so that we can to some extent avoid a repetition of what this generation has suffered.

The coming of peace will bring with it immediate and urgent problems. The immense flow of Government orders, the largest the world has ever known, will suddenly cease. Millions of soldiers will be disbanded at approximately the same time as two or three million munition workers are discharged. Unless plans are made well in advance, there may be hundreds of thousands of men unemployed. We shall be confronted, too, with the problem of women's employment, and of the status of the unapprenticed workers who have come into skilled industries. But these problems, urgent as they are, will be temporary.

There is another deeper question. How can we

so alter our organisation of society as to make the events of the past few years yield their greatest good? War is a terrible thing, yet even terrible things may have their better side. What changes for the better will follow this war? The foundations of betterment are, I believe, two:

First. The work of Government in all its branches must be shared by the people as a whole.

Second. The people must be qualified and equipped by better education to take their share in the work of Government.

The war has helped to teach us one thing. The safety of the world depends largely on the people as a whole doing their part in the work of Government. In former generations Government was the work of a small class specially trained for it. The mass of the people were unqualified because they were insufficiently educated. In recent years conditions have somewhat changed, but the change must go much further. Does anyone think that had war depended upon the decision of the German people, the masses of Germany would in those early days have voted for it? I am aware that when passion was kindled, the German nation became for a time enthusiastic for war. But had the original decision for war or peace rested with the mass of the people, there would have been no war. The war was planned and deliberately brought about by a comparatively small body of German statesmen.

People of all classes must share more and more in the public work of their communities and of the nation. This means two things—education to qualify them for such work, and systematic efforts

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to make them realise the importance of doing their duty by taking their part in public affairs.

Education is essential, and on education must be built up the assurances of future world peace. Without it and without the consequent power to judge for themselves, people are at the mercy of the first man with the gift of fluent speech who catches their ear. The strides that have taken place in public intelligence in recent years have been enormous. I have been in public life for 25 years, and there is a great difference between when I began and now. There was a time when a man able to talk could get up and carry his audience right along with him. But let him try to-day. He will find before he has got very far that some quiet working man will stop him. "Wait a minute," the working man will say, "I want to ask you a question." And he will ask something that will go straight to the heart of the matter. Ask a question! Twenty years ago he could not have done it. To-day he is trained to judge and to weigh for himself. The industrial revolution has brought a mental revolution.

On the broadening and improvement of the education of the people I base the real hope for progress after the war. But we have to recognise that even with that, it would be folly to expect that strife will cease eternally. The generation of to-day is learning its lesson, but a new generation will spring up that will demand experiences for itself. "We have learned from your mistakes," its young men will say to the seniors. "We can accomplish what you were not able to do." And they will have to learn their lesson for themselves. We see this in the world of labour. After a long, costly, exhaust-

ing strike the seniors say, "No more strikes for us." But the young men coming on! The old men warn them, but they will not listen. "We know what you did," they say, "but we can do better." But we have to recognise that this very venturesomeness of youth, this willingness to take risks, this eagerness to try new experiments, is in itself far from a bad thing. Youth may go too far. It may have a fall and have to start again. Yet a world in which caution always ruled, where youth was always suppressed, where fresh thought, fresh ideas, and apparently reckless enterprises were impossible, would be a world of stagnation. If youth spells strife, youth spells also progress. That the world will settle down to one placid calm for ever after this war is ended, I do not expect. But this war may yet show us the way to settle strife by other means than armed conflicts between nations. Such other means can be devised, and it is for the world to see that they are devised. Here we look for a Council of Nations with power to enforce its decrees.

The war must be followed by a period of betterment for the individual worker. Attempts may be made to lower wages, if the labour market is flooded. Such attempts can only lead to disaster. No doubt Government precautions to prevent any overwhelming flooding of labour will be taken by the provision of public works during the period of readjustment. But the betterment of working class conditions must go further than this. This war has demonstrated the super-importance of labour. We look for an extension of the policy of old age pensions and health insurance. We look for an improvement in the conditions of employment. La-

bour will demand, and will be able to obtain, a fuller share in the gains of industry. Further, it will demand some share in the direction of industry.

This last point is of great importance. We are not waiting for this until the war is over. Already in various directions, labour is securing a direct voice in directing work. We do not ask that we should be admitted into any share of what is essentially the employer's own business—in those matters which do not directly concern us in our work. The buying of materials and the selling of the product are the work of the board of directors. But we do feel that we have a right to a voice—even an equal voice with the management—in deciding the daily conditions of the employment in which we spend our working lives, the atmosphere and the conditions in which we have to work, the hours of beginning and ending work, the conditions of remuneration and even the manners and practices of the foremen with whom we have to be in contact. The war has already helped us to obtain this; it will essentially develop after the war.

The importance of employers and workmen coming to a common basis of understanding is the greater because in industry, as in national life, war tends always to be conducted on a larger scale. The great war has been waged on either side by groups of nations. Should ever a great labour war come, it will be conducted by groups of industries. We have seen in recent years a process of amalgamation and alliance on both sides. The employers are more and more centralising their federations, so that the supreme direction of disputed industrial matters comes into the hands of a small controlling body. In the world of labour, we have our amal-

gamations and alliances. I myself am President of the Transport Workers' Federation, part of the Triple Alliance of labour, the combination of Miners, Railway Men and Transport Workers. This Triple Alliance could hold up the whole industry of the country, for it controls all means of inter-communication. It is administered with sufficient wisdom, I believe, not to abuse its power, but its power is there. With forces so great on either side, it is the more important to see that we lay the foundations now of good understanding for the days ahead.

One great weakness among the working men in the past has been an absence of experience in the detail routine of the conduct of great industries. The leaders of labour for a long time had no opportunity of obtaining such experience. To-day we are able to secure it by administering our own great co-operative enterprises. We recognise that it would be of great benefit to us to have closer association between organised labour and those responsible for national education. This may come. The war has given a vast impetus to these movements.

The war has had another effect. It has broken down many of the barriers which formerly existed between different classes. Men of various sections of society who are working together have come to know one another's good qualities and have learned to understand each other's point of view. I know what many of our own men of the Transport Workers' Federation say of their officers when they come back from the front. They are full of their praises. Occasionally, of course, they come across a man they don't like, but in nearly every case they find their officers accessible, sympathetic,

and helpful. When men fight together—and many of them fall together—fighting a common foe, it is certain that those who are left will find some means of standing together in the days of peace ahead. The attempt of Germany to crush us has led to the drawing together of the different classes of our people.

This better understanding of each other is being brought about in another way also. The Trades Unions of England have given every worker possible to help in the war. Trades Union officials, great and small, are all of them largely engaged in voluntary war work. They are members of different committees. On these committees they meet, as their fellow members, people drawn from quite other classes of society. The lighterman finds himself sitting next to, and working in co-operation with, the titled lady and the high military official. He discovers that they are people very like himself, and that they are working to the best of their power for the good of the nation. They in turn realise that the mysterious "labour agitator" is not so terrible an individual as they imagined. It is not necessary to put away their best silver or fine china when he comes to their houses. He has a point of view unknown to them before. They reach a common understanding over common work for the welfare of their country. That is going on in a thousand districts. It is affecting the leader of the small local branch of the Union as well as bigger officials. It is breaking down prejudices, creating new friendships, and bringing class in real touch with class.

It is impossible to imagine that all these things are going to count for nothing, and that the in-

fluences of a common purpose and a common sorrow, of common disappointments and united victories will cease when the war is over. They will not cease. They will help to make England united more than ever before.

For us there can only be one end. But once that end is attained, it is for the world to see that the sacrifice of life at once ceases. When other scourges sweep over the world, they take away the old, the feeble, the unfit. This scourge of war is robbing us of our best, of our young men in their prime, of the pick of the nation. It will leave us with a depleted manhood, and with many of our women condemned to perpetual solitude. We have during the past generation trained our young women to fill their place in life worthily. To-day, when they are emerging strong, fit mates, and fine comrades, the men who should be their husbands are being killed in the war. We will have to face the problem of the wounded and those made invalids in the war, and the fatherless children.

To solve these problems we must stand a united nation. We cannot afford to have any sections of our people ignorant, when ignorance spells weakness. We cannot afford to have any section underdeveloped, for all our strength will be needed to make up for the losses of the war. It is to the good of the country that labour should grow to the full, and that, realising its strength, it should use its strength, and use it wisely. It is essential that the old artificial barriers of class should disappear. Fresh impulses are sweeping over the world. Fresh causes of unrest are arising; there will be fresh perils to face. Knowledge, unity, justice, and the

co-operation of all classes will see us safely through.

Sometimes, when walking through Leicester Square in London, I glance at the statue of Shakespeare, and read the motto underneath, "There is no darkness but ignorance." It is true. In ignorance lies our real danger, in knowledge is found the only sure road to permanent peace.

Mr. Harry Gosling is one of the most trusted leaders of English labour. He has a quarter of a century of public life behind him, twenty-five years full of steady, sustained work for the people.

A Lighterman by trade, he is a member of that unique labour organisation, the Amalgamated Society of Watermen, Lightermen and Bargemen, most of whose members belong to the ancient Watermen's Company of the City of London, the history of which dates back to the beginning of the 16th century. He has served for many years as a member of the London County Council for St. George's-in-the-East, and he is a member of the Port of London Authority.

He was Chairman of the Strike Committee in the great London Dock Strike of 1911. He was foremost among the organisers of the Transport Workers' Federation, and was chosen as its President. Labour bestowed upon him the greatest honour in its power when it elected him President of the Trades Union Congress in 1916. In 1917 he was made a Companion of Honour of the Order of the British Empire.

At the beginning of the war Mr. Gosling, like nearly every British labour leader, threw himself into the national cause, and has worked devotedly for it ever since. Twenty-five per cent. of the members of the Lightermen's Union—of which he is Secretary—are at work in khaki on the rivers of France. Mr. Gosling himself, as the foregoing pages show, looks beyond the war to the conditions ahead, and seeks to discover how the world can best benefit from its present fiery trial.

THOSE "GENTLEMEN" OF GERMANY

The British naval airman who struck down one of the Gothas which had made a raid on undefended South-end on August 12 saw the occupants clinging to their machine in the sea. He threw his lifebelt to them.

When the crew of the Belgian Prince, torpedoed by the Germans, were on the deck of the U-boat on July 31 their lifebelts were taken away from them and flung into the sea by an officer. Later the U-boat dived, leaving the men to drown.

The murder of thirty-eight members of the crew of the *Belgian Prince* on July 31 is not a new German crime. There could not be a new German crime. But it is an old crime with elements of unique cruelty and will stand out indelibly in the black calendar of the Kaiser's forces. Its perpetrators took every precaution against the details leaking out. That is to say, following the precedent of the Turks in Armenia, they sought to exterminate every living witness for the prosecution. But three members of the crew survive, and their sworn testimony may be inspected at the British Admiralty.

Before quoting these affidavits it may be as well to print the official report issued by the Admiralty on August 6:—

As has already been reported unofficially in the Press the British steamer *Belgian Prince* was torpedoed by a German submarine on July 31. The crew abandoned the ship in two boats and were ordered on to the upper deck of the submarine by the German commander. Under his directions the boats were then smashed with axes and the crew of the *Belgian Prince* deprived of their lifebelts. The master was taken below and the hatch closed; the submarine submerged without warning with forty-three men standing on her deck. This was the entire crew of the *Belgian Prince*. With the exception of three all these were drowned. The three survivors had contrived to retain their lifebelts without the knowledge of the enemy. They were picked up after having been in the water eleven hours. The details of this atrocious outrage are supported by the

separate affidavits of the three survivors. The cold-blooded murder of these men equals, if it does not transcend, the worst crimes which our enemies have committed against humanity.

Here are the statements of the three survivors:—

1.—THOS. A. BOWMAN, Chief Engineer.

About 7.50 p.m. on July 31 I was on the after deck of the ship off watch. I was taking a stroll and having a smoke. Suddenly I heard a shout, "Here's a torpedo coming," and I looked and saw the wake of what I took to be a torpedo coming towards the ship on the port side. I shouted a warning, but had hardly got the words out of my mouth when the torpedo struck us.

I was thrown on the deck by a piece of spar, and when I recovered I found the ship had got a very heavy list to port, and that nearly all hands had taken to the boats. I got into the starboard lifeboat, which was my station. While we were getting into the boats a submarine began firing at the wires of our wireless apparatus, which she destroyed. I did not see the submarine while she was firing, but when we got some distance away in the boats, about 200 yards, I saw the submarine. She appeared on the forward end of the ship and made towards the boats, and hailed us in English to come alongside of her. We rowed alongside of her, being covered all the time by their machine-guns and revolvers. The commander of the submarine then asked for the captain, the master of my ship, to go on board. He was taken down inside the submarine. The rest of us were ordered on board and lined up on her deck. The German sailors, to whom an officer gave orders in German, then ordered us in English to take off our lifebelts and overcoats and lay them on the deck. Then the sailors came along searching us, and deliberately kicked the majority of the lifebelts overboard. We had to hold up our hands in the surrender position while being searched. Everything of value was taken from us. In my case they took my seaman's discharge book, containing four £1 Treasury Notes and my certificate of competency. They threw my book and ticket overboard and kept the money.

After this the German sailors got into our lifeboats and threw the oars and the gratings in the bottom of the boat and the bailers overboard. They took the provisions and compasses out and put them into the submarine, and then damaged the lifeboats, rendering them useless by breaking the sides of the boats with some instruments which I took to be the axes carried by the lifeboats as part of their equipment. They then cast the boats adrift.

The small boat was left intact, and five German sailors got into her and went towards the ship. When they reached the *Belgian Prince* they signalled with a flash-lamp to the submarine. The submarine moved ahead about two and a half miles, then stopped, and after a moment or two I heard a rushing sound, like water rushing into the sinking tanks of the submarine, and I shouted "Look out—she is sinking!"

The submarine submerged, leaving the whole of our crew, except the captain, who was still below, in the water with no means of escape except in the case of the few who still retained their life-

belts. I attempted to jump clear, but was carried down with the submarine, and when I came to the surface I could only see about a dozen of the crew left, including one boy who was shouting for help. I swam towards him. He had a lifebelt on, but was about paralysed, and I held him up during the night. He became unconscious, and eventually died while I was holding him up.

When day broke I saw the *Belgian Prince* still afloat. I began to swim towards her, and when I had gone a short distance I saw her blow up. After seeing the ship sink, I just drifted about and kept myself afloat for an hour or two until I saw smoke on the horizon from a ship which came in my direction. She proved to be an English patrol boat. I swam towards her and she picked me up.—(Signed) THOMAS A. BOWMAN.

2.—GEORGE SLISKI, Member of the Crew.

On Tuesday, July 31, at about 7.55 p.m., a torpedo from a submarine struck the *Belgian Prince*. The crew, including myself, got into the ship's boats, and a few minutes afterwards a German submarine came alongside and called for the master, who went on board, and was taken down into the submarine. The remainder of the crew were mustered on the deck of the submarine. The oars, bailers, and gratings of two of the ship's boats were thrown into the water, and the boats themselves broken up with axes. The third boat the Germans took, and rowed towards the *Belgian Prince*.

A German officer ordered all the crew of the *Belgian Prince* to take off their lifebelts which they were wearing, also their overcoats, and this was done. The submarine steamed away, and about half an hour afterwards the Germans went below. The submarine submerged, leaving the entire crew on the deck, with the exception of the captain, who had been taken below.

I then swam towards the *Belgian Prince*, which I reached about 5 a.m. the following morning. I got on board, and about half an hour afterwards a German submarine came alongside. I got into the water. Two shells were fired at the *Belgian Prince*, which sank in two or three minutes. I saw a small boat, which I swam to and got into—the same boat the Germans took away the previous evening—and about half an hour afterwards I was picked up by a British patrol boat.—(Signed) GEORGE SLISKI.

3.—WILLIE SNELL, an American Citizen.

On July 31, about 8 p.m., I heard an explosion. Three lifeboats were lowered, and everyone on board got into these. When about fifty yards from the vessel a German submarine came up, and the commander ordered all the boats alongside. The master was ordered below in the submarine, and the remainder of us were mustered on the deck. The oars, gratings, bailers, and everything loose in the boats which we had left were thrown overboard by the German submarine crew. We were now ordered by the submarine commander to take off our lifebelts and leave them on deck, which was done. He then came along and kicked many of the lifebelts off into the water.

The submarine proceeded away from the *Belgian Prince* and submerged, leaving our entire crew, with the exception of the master, on its deck without any means to save ourselves. I concealed

a lifebelt which I had picked up, which the German commander failed to notice when he was kicking the lifebelts overboard. I now put it on, and when the submarine disappeared I swam towards the *Belgian Prince*. At about 5 a.m. I was about one mile off the vessel when she broke in two. Immediately afterwards I saw a submarine come up. I turned and swam away as quickly as I could, and was afterwards picked up by a British patrol boat.—(Signed) WILLIE SNELL.

In recognition of his gallant act in torpedoing the *Lusitania* the Kaiser conferred upon Captain-Lieutenant Hersing, commander of U 21, the Order Pour Le Mérite; but he told Mr. Gerard, U.S. Ambassador in Berlin, that he "would not have permitted the torpedoing of the *Lusitania* if he had known it," and that "no gentleman would kill so many women and children." Obviously, after the *Belgian Prince* case, other German "gentlemen" deserve the Order Pour Le Mérite!

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THE HALE MEMORIAL SERMON, 1917

The Work of the Church
on behalf of
Unity

BY
THE RT. REV. C. P. ANDERSON, D.D.
BISHOP OF CHICAGO

Published for the
Western Theological Seminary
CHICAGO

By THE YOUNG CHURCHMAN CO.
MILWAUKEE, WISCONSIN, U. S. A.

The Hale Memorial Sermon No. 10

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The Rt. Rev. C. P. Anderson, D.D.

Bishop of Chicago

Preached at S. Paul's Church, Chicago,
on the Sunday next before
Advent, 1917.

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TO THE
GLORY OF GOD
AND IN MEMORY OF
ANNA M^cK. T. HALE
A LOVER OF EVERY GOOD WORD AND WORK
THE PREACHING AND PRINTING OF
THIS SERMON
WERE PROVIDED FOR BY
HER HUSBAND
C. R. H.

EXTRACTS

FROM THE WILL OF THE RT. REV. CHARLES REUBEN HALE,
D. D., LL. D., BISHOP COADJUTOR OF SPRINGFIELD, *born*
1837 ; *consecrated July 26, 1892 ; died December 25, 1900.*



In the Name of the Father, and of the Son, and of the
Holy Ghost. Amen.

I, Charles Reuben Hale, Bishop of Cairo, Bishop Coadjutor of Springfield, of the City of Cairo, Illinois, do make, publish, and declare this, as and for my Last Will and Testament, hereby revoking all former wills by me made.

First. First of all, I commit myself, soul and body, into the hands of Jesus Christ, my Lord and Saviour, in Whose Merits alone I trust, looking for the Resurrection of the Body and the Life of the World to come.

Fourteenth. All the rest and residue of my Estate, personal and real, not in this my Will otherwise specifically devised, wheresoever situate, and whether legal or equitable, I give, devise, and bequeath to "The Western Theological Seminary, Chicago, Illinois," above mentioned, but nevertheless *In Trust*, provided it shall accept the trust by an instrument in writing so stating, filed with this Will in the Court where probated, within six months after the probate of this Will—for the general purpose of promoting the Catholic Faith, in its purity and integrity, as taught in Holy Scripture, held by the Primitive Church, summed up in the Creeds and affirmed by the undisputed General Councils, and, in particular, to be used only and exclusively for the purposes following, to wit:—

(1) The establishment, endowment, printing, and due circulation of a yearly *Sermon*, to be delivered annually forever, in memory of my dear wife, Anna McK. T. Hale, to be known as "The Hale Memorial Sermon," and

(2) The establishment, endowment, publication and due circulation of Courses of Lectures, to be delivered annually forever, to be called "The Hale Lectures."

The subject of this Sermon shall be some branch of Church Work, in any part of the world, which, in the judgment of the Trustees of "The Western Theological Seminary, Chicago, Illinois," deserves to be better

known, in order that it may be more adequately appreciated. These sermons shall be preached at such time and place as the said Trustees of The Western Theological Seminary, Chicago, Illinois, may appoint, and shall be printed in a style similar to the Sermons of this kind already published under my direction, viz: "Confucianism in its relation to Christianity," and "The Religion of the Dakotas." One hundred copies of each of these Sermons are to be given, so soon as they come from the press, to the preacher thereof, and one copy of such Sermon is, so soon thereafter as may be, to be sent to each Bishop in the Anglican Communion, and to such other Bishops as may be in full communion with these Bishops, to the Patriarchs and other chief Hierarchs of the Orthodox Eastern Churches, and to the chief Public Libraries throughout the world. Should it be, at any time, deemed expedient to offer any of these Sermons for sale, the entire receipts, over and above the expenses incurred in such sale, shall be given to "The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America," a Corporation existing under the laws of the State of New York, for the uses of said Society.

The preacher of the Hale Memorial Sermon shall always be a clergyman of the American Church, commonly called "The Protestant Episcopal Church," or of some Church in communion with the same, or of one of the Orthodox Eastern Churches.

The Western Theological Seminary has accepted the Trusteeship as outlined in the above extracts from the will of the late Bishop Hale.

It will be the aim of the Seminary, through the Hale Sermons, to make from time to time some valuable contributions to certain of the Church problems of the day, without thereby committing itself to the utterances of its own selected Preachers.

NOTE

The portions of this sermon which come most precisely under the Hale foundation will be found on page 13 with the references in the footnotes.

C. P. A.

The Work of the Church
on Behalf of Unity

CHURCH UNITY A VENTURE OF FAITH

“Whosoever will save his life shall lose it; and whosoever will lose his life for My sake shall find it.”—S. Matt. xvi. 25.

“Salvation through self-abnegation” is one of the daring paradoxes of Christianity which has been abundantly verified in the lives of the makers of progress.

The principle is as true of the Church and Nation as it is of the individual. It is a principle which should govern the American Church and the American Nation in these days. Both should venture their very life, their structure, their resources, and their possessions for the ideals which they respectively represent. Both should find their highest welfare, not in a close calculation of material advantage, but in a reckless devotion to spiritual principles. If they love their lives they will lose their souls; if they venture their lives for God’s sake they will save their souls.

It is a critical time in the world’s history. It is a testing time in the life of the Church. These are days which measure the capacity of the Christian Church for faith, for service, for sacrifice, and for prophetic vision. The world will never again be what it was prior to August 1914.

It will never be the same politically. The irresistible power of democracy which has been slowly arriving through the centuries will either be temporarily set back in its progress or it will acquire a wider application and a richer meaning. The science of diplomacy will either see a triumph of deceit and intrigue or else it will be transformed into an honest and open-minded skill in international conciliation.

The world will never be the same again industrially or socially. The relationship between Capital and Labour, between master and man (to use an expression that has already become taboo) will be permanently altered. The coming day will witness either the firmer establishment of a "benevolent feudalism"¹ which hands down benefits to the people, or else it will witness the supremacy of the people and the assertion of their capacity for partnership in the management of the world's industrial affairs.² A world made "safe for democracy"—to quote President Wilson—will be impatient with paternalism.

The world will never be the same again religiously. The nations are being drawn together into an international fellowship of democracies; and the future of the Christian Church, humanly speaking,

¹ Ghent's "Our Benevolent Feudalism," p. 60. Professor Ely calls it "enlightened absolutism."

² See Ghent's "Our Benevolent Feudalism," pp. 123, 151 for denials of the rights of labour and compare them with events in industry in England, America, and elsewhere since the war began.

will depend largely on whether the churches will allow themselves to be drawn together into a catholic fellowship of the people of God.

These are the issues which the pregnant pains of this travailing world announce—the new political democracy, the new social and industrial commonwealth, the new coalition of the Christian forces of the world, that a Christian civilization may expand and endure.

A common danger, a life-and-death struggle, is welding many of the nations into a compact alliance. Their sole hope for the triumph of democracy rests on their ability to combine their forces in a single definite programme. What about the churches? Will they lead the world into the consciousness of universal brotherhood; or failing in that, will they follow the world's lead?

The Christian Church is facing the greatest crisis in her history. That crisis was on before the war came. The war revealed the crisis. It revealed the fact that civilization cannot be built on the shifting sands of materialism. It also convicted the Church of incompetence as a world force. It proclaimed its failure in the social and political sphere. The crisis is still on. The main question is this: Shall a Christian civilization founded on the fatherhood of God and the brotherhood of man, as taught by Jesus Christ, dominate the world? The forces against us are mighty. The outlook is dark. The hope of the churches is to be found precisely where the hope of the nations is to be

found, in coming together into a single compact Army of God.

The issues of to-day are not the local controversies between religious sects and political parties. They are world issues. Sectarianism can no more meet them than a detached group of Belgians and Serbians and Armenians could withstand the organized might of Prussian militarism. Even within the sphere of a special service in these war-times, all the churches, working separately, could not make an aggregate contribution to the well-being of our soldiers, sailors, and aviators, that would approach the magnitude of the work done by that international organization, the Young Men's Christian Association.³ To be efficient in a single large undertaking they must combine. Truly indeed could Dr. Mott say, with this object lesson before him, "The greatest need of our generation is that of apostles of reconciliation." The Y. M. C. A., though not operated formally by the churches, is sanctioned and supported by them and floats the banner of Christ over all its works in all lands. But what of those other moral forces and Christian enterprises which a divided Christendom has completely divorced from the Christianity

³ I am not unmindful of the excellent work done by the Knights of Columbus. Such a work could only be done by such a strong organization as the Roman Catholic Church. Both in its extent and in its limitations it illustrates my point.

which gave them their impetus and inspiration? Sectarianism is necessarily incapable of thinking nationally or acting internationally or moulding the world conscience. "A united Christendom alone can rise to the unique opportunities which the heathen world now presents and meet the crying social evils of our Western civilization. Reunion is indeed the most imperative need of the time, and any man or any body of men who are guilty of obstructing that consummation by selfish considerations alone, incur a serious responsibility."⁵ In unity there is victory. In disunity there is defeat.

What are the prospects of Unity? They are not very bright, except within the realm of a very prolific literature. Take the Anglican Communion. It has been conspicuous in its advocacy of Church Unity. From the time that it detached the Pope⁶ from its domestic councils and protested that in doing so it did not detach itself from the unity of Catholic Christendom⁷—from that time down to the

⁴ See my "Manifestation of Unity," pp. 23-30, published by the Joint Commission on the World Conference: Robert H. Gardiner, Secretary, Gardiner, Maine.

⁵ "The People of God," Hamilton, Vol. II, p. iv.

⁶ Convocation declared in 1534 that "The Bishop of Rome hath not by Scripture any greater authority in England than any other foreign Bishop." *Ibid* Wakeman's "History of the Church of England," p. 222. This denial of a divine prerogative left untouched any question of acquired primacy or authority.

⁷ In 1533, Statute 25 Henry VIII, C. 21, stated "That the King and Parliament did not intend by it (repudiation of Papal supremacy)

present it has been to the front in keeping the matter of unity alive. By Canon⁸ and Statute⁹ it reiterated its corporate membership in the Catholic Church. Through informal correspondence¹⁰ and

to decline or vary from the congregation of Christ's Church in anything concerning the very articles of the Catholic Faith of Christendom." See Green's "XXXIX Articles," p. 5.

"The Canon of 1571 concerning Preachers enjoined the clergy never to preach anything to be religiously held and believed by the people except what is agreeable to the doctrine of the Old or New Testaments, or which the Catholic Fathers and ancient Bishops have collected from that doctrine." *Vide* MacColl's "Reformation Settlement," p. 35.

⁸The English Canon XXX says: "Nay, so far was it from the purpose of the Church of England to forsake and reject the Churches of Italy, France, Spain, and Germany, or any such like churches in all things which they held and practised, that, as the apology of the Church of England confesseth, it doth with reverence retain these ceremonies which do neither endamage the Church of God, nor offend the minds of sober men; and only departed from them in those particular points, wherein they were fallen both from themselves in their ancient integrity and from the Apostolical Churches, which were their first founders."

⁹Statute I Elizabeth, Cap. I, XXXVI, A. D. 1558, declared that "nothing is to be adjudged heresy but that which heretofore has been adjudged by the authority of the Canonical Scriptures, or the first four General Councils, or some other General Council, wherein the same hath been declared heresy by the express word of Scripture," etc. *Vide* MacColl's "Reformation Settlement," pp. 35, 36.

¹⁰Archbishop Wake corresponded with Gallican theologians in 1716 when they were feeling the stress of controversy with ultramontaniam. The Gallicans desired that the English should "return into the bosom of the Catholic Church on the same footing as the Gallican Church." Archbishop Wake refused. Courayer's "Validity of the Ordinations of the English" grew out of this correspondence. "Courayer contends for their validity in the strongest possible terms." See J. H. Overton and F. Relton—"A History of the English Church from the Accession of George I," etc., pp. 21-29.

The English Non-jurors had a correspondence with the Eastern Orthodox bishops, 1716-1725. See Lathbury, "History of the Non-jurors," Ch. VIII, London 1845, for a full account of this correspondence.

Lord Halifax, the Rev. T. A. Lacey, and other English Churchmen had prolonged irenic conferences with the Abbé Portal, the Abbé

formal resolutions¹¹ it initiated irenic conferences with both Catholics and Protestants. In England¹² and America,¹³ in Rome¹⁴ and Russia,¹⁵ in Africa¹⁶

Duchesne, and other Roman Catholics, which resulted in the bull *Apostolicar Curar* against Anglican Orders, to which the English bishops replied in February, 1897. See "A Roman Diary," etc., T. A. Lacey, p. 354; also "Leo XIII and Anglican Orders," by Lord Halifax; also "Reunion Essays," by Carson, p. 251. For the reply of the English bishops see "Answers of the Archbishops of England to the Apostolic Letter of Pope Leo XIII on English ordinations," Longmans, Green and Co.

In December 1899 a Conference on the Eucharist took place at Oxford between Anglican and Non-conformist divines. See "Priesthood and Sacrifice," edited by A. W. Sanday.

¹¹ See "The Lambeth Conference of 1897," compiled by Archbishop Davidson, for the resolutions of the Conference in regard to the Eastern Church, the Old Catholics, the *Unitas Fratrum*, the Church of Sweden, the Latin Communion, and the Protestant Churches. See also "Conference of Bishops of the Anglican Communion," 1908, pp. 61-66 and 169-186, for further resolutions.

¹² The Savoy Conference of 1661 was attended by twelve bishops and twelve Puritan ministers. The Hampton Court Conference of 1604 was a meeting of Churchmen to which four prominent Puritan clergy were invited. Both of these conferences, however, were far from irenic. See Wakeman's "History of the Church of England," pp. 351-354, 382-384.

In recent years gatherings of "Anglican and Free Church Clergy" for conference on Unity have been quite frequent. See "Introduction to the Study of Christian Reunion," A. C. Bouquet, pp. 169-177.

In 1857 the Association for promoting the Unity of Christendom was formed. The Annual Report of 1900 stated that this Society had "many thousands" of members, Anglicans, Greeks, Latins, Lutherans, and others.

The Home Reunion Society conducted a conference between Anglican and Congregationalist divines. See "England and the Holy See," Spencer Jones, pp. 427-430.

¹³ Dr. Muhlenburg made a notable effort towards Unity in the General Convention of the Protestant Episcopal Church in 1853. See "Memorial Papers, with Introduction by Alonzo Potter," Philadelphia, 1857.

In 1880 the bishops of the Protestant Episcopal Church put forth the following declaration:

"The bishops of the Protestant Episcopal Church in the United States of America in council assembled, as bishops in the Church of

God, do hereby solemnly declare to all whom it may concern, and especially to our fellow-Christians of the different communions in this land, who, in their several spheres, have contended for the religion of Christ:

“(1) Our earnest desire that the Saviour’s prayer ‘that we all may be one’ may, in its deepest and truest sense, be speedily fulfilled.

“(2) That we believe that all who have been duly baptized with water in the name of the Father, and of the Son, and of the Holy Ghost are members of the Holy Catholic Church.

“(3) That in all things of human ordering or human choice, relating to modes of worship and discipline or to traditional customs, this Church is ready, in the spirit of love and humility, to forego all preferences of her own.

“(4) That this Church does not seek to absorb other communions, but rather, coöperating with them on a basis of a common faith and order, to discountenance schism, to heal the wounds of the body of Christ, and to promote the charity which is the chief of Christian graces and the visible manifestation of Christ to the world.

“*But Furthermore*, we do affirm that the Christian unity now so earnestly desired by the memorialists can be restored only by the return of all Christian communions to the principles of unity exemplified by the undivided Catholic Church during the first ages of its existence; which principles we believe to be the substantial deposit of Christian faith and order committed by Christ and His apostles to the Church unto the end of the world, and therefore incapable of compromise or surrender by those who have been ordained to be its stewards and trustees for the common and equal benefit of all men.

“As inherent parts of this sacred deposit, and therefore as essential to the restoration of unity among the divided branches of Christendom, we account the following, to-wit:

“(1) The Holy Scriptures of the Old and New Testaments as the revealed Word of God:

“(2) The Nicene Creed as the sufficient statement of the Christian faith:

“(3) The two sacraments, Baptism and the Supper of the Lord, ministered with unfailling use of Christ’s words of institution, and of the elements ordained by Him:

“(4) The Historic Episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the unity of His Church.

“*Furthermore*, deeply grieved by the sad divisions which afflict the Christian Church in our own land, we hereby declare our desire and readiness, so soon as there shall be any authorized response to this declaration, to enter into brotherly conference with all or any Christian bodies seeking the restoration of the organic unity of the Church, with a view to the earnest study of the conditions under which so priceless a blessing might happily be brought to pass.”

and Australia,¹⁷ in Sweden¹⁸ and Germany,¹⁹ it has

For a reply on the part of the Disciples of Christ, see "A History of the Disciples of Christ," by B. B. Tyler, pp. 82-94.

For an account of the negotiations between the Presbyterians and the American Bishops, see "Church Unity: the Progress and Suspension of the Negotiations between the Protestant Episcopal Church and the Presbyterian Churches." Presbyterian Board of Publication, 1899.

¹⁴ See Note 10 on page 14.

¹⁵ For correspondence between the Archbishop of Canterbury and the Metropolitans of the Russian Church see "Russia and Reunion", by Biggs, pp. 237-259.

In 1908 the Lambeth Conference requested the Archbishop of Canterbury to send a deputation to the National Council of the Russian Church, and also requested the Archbishop to appoint a permanent committee to take cognizance of all that concerns relations with the Churches of the Orthodox East. See "Conference of Bishops of the Anglican Communion," p. 61.

In 1914 the Rev. W. H. Frere delivered a course of lectures in Russia under the auspices of the Russian Society for promoting Rapprochement between the Anglican and Eastern Orthodox Churches. See "English Church Ways," by Frere, The Young Churchman Co., Milwaukee. A series of lectures under similar circumstances was delivered by Fr. Puller in St. Petersburg in 1912, and published under the title, "The Continuity of the English Church." Arrangements are being made for some lectures in England on the Russian Church by distinguished Russian Churchmen, under the auspices of "The Anglican and Eastern-Orthodox Churches Union." In 1909, under the auspices of this last-named Society, a conference was held between the Nippon Sei Ko Kwai and the Haristos Sei Kyo Kwai (the Anglican and Russian Churches in Japan). Archbishop Nicolai attended the Conference. "An Attempt at Unity in Japan," by Rev. Charles F. Sweet.

¹⁶ At a Missionary Conference in Kikuyu the Bishops of Uganda and Mombasa drew up a scheme of federation with the Protestant missionary communities, and at the conclusion of the conference the Bishop of Mombasa administered the Communion to the delegates from those bodies. The Bishop of Zanzibar formally protested against the action taken by his brethren.

¹⁷ Conferences between Committees appointed by the Synod of the Church of England in Australia and the General Assembly of the Presbyterian Church of Australia were held in Melbourne in 1906 and 1907. Tentative resolutions were adopted looking towards a formal union of the two churches.

¹⁸ A conference between a Commission appointed by the Archbishop of Canterbury and representatives of the Church of Sweden was held

pressed the matter on the churches. In the Chicago-Lambeth "Quadrilateral" it proposed a basis of inter-church negotiations,²⁰ and in the proposed World Conference on Faith and Order²¹ it inaugurated a movement that has unity as its ultimate object. Having said this it seems necessary to go on and say that the Anglican Communion has been

under the presidency of the Archbishop of Upsala in September 1909. See "The Church of England and the Church of Sweden," The Young Churchman Co., Milwaukee.

For the relation between the Church of Sweden and the Episcopal Church in America, see "The National Church of Sweden," Hale Lectures by Bishop Wordsworth (under the auspices of the Western Theological Seminary, Chicago), pp. 399-414.

¹⁹ Representatives of the Anglican Church participated in a Conference held at Bonn, with Old Catholics, Orientals, and others, under the invitation of Dr. Döllinger. "Report of Proceedings at the Reunion Conference held at Bonn, 1874," Rivingtons.

Several Anglicans were in attendance at the international Conference of Old Catholics in Cologne in 1913.

²⁰ The Lambeth Conference of 1897 reaffirmed its resolution of 1888, which was substantially, though not exactly, the declaration of the American Bishops in 1886. The "Quadrilateral" was put forth, not so much as a basis of unity, but as "a basis on which *approach* may be, by God's blessing, made towards Home Reunion." See "The Lambeth Conference of 1897," p. 80.

²¹ At the General Convention of the Protestant Episcopal Church in the United States of America in 1910, the following resolution was adopted:

"WHEREAS, There is to-day among all Christian people a growing desire for the fulfilment of our Lord's prayer that all His disciples may be one; that the world may believe that God has sent Him:

Resolved, That a Joint Commission be appointed to bring about a Conference for the consideration of questions touching Faith and Order, and that all Christian Communions throughout the world which confess our Lord JESUS CHRIST as God and Saviour be asked to unite with us in arranging for and conducting such a Conference. . . ."

Robert H. Gardiner, Gardiner, Maine, is the Secretary of that Commission and will be glad to furnish literature covering the work of the Commission.

as conspicuously timid in its practice as it has been conspicuously bold in its theory. It is afraid of its own ideals. It shrinks from the logical consequences of its own corporate actions. It is academic. Must it not plead guilty to this charge?

What about others? They are probably no better and no worse. Take the Roman Catholic Church. Under the spiritual leadership of the great Leo XIII there were grounds for hope that a bridge might be built over the chasm that separates the Roman Catholic Church from the rest of Christendom.²² Mutual approach loomed up as a possibility. Unhappily, however, a reactionary policy subsequently prevailed, under which it was impossible for the non-Roman world to pursue the subject except on a basis of intellectual suicide.²³

Passing from the venerable Church of Rome to one of the youngest churches, take the case of the Disciples of Christ in America.²⁴ That organiza-

²² See Encyclical Letters, 1894, on the Reunion of Christendom; 1895, to the English people; 1896, on the Unity of the Church, in "The Great Encyclical Letters of Leo XIII," Benzinger Brothers. For a reply to the encyclical, *Apostolicae Curae*, see "Answer of the Archbishops of England to the Apostolic Letter of Pope Leo XIII on English Ordinations," 1897, Longmans, Green & Co.

²³ "The Pope's good intentions," wrote Gladstone, "have broken down and the true spirit of the Curia has triumphed over them."

Dr. Briggs, in his "Theological Symbolies," p. 234, states that the encyclical of Pius X against Modernism led up to "a system of suspicion, inquisition, and delation which has brought the administration of justice in the Church into contempt and has forced a large proportion of Catholic scholars to silence and retraction, or suspension, excommunication, and withdrawal from the Church."

²⁴ Organized May 4, 1810, "in order to carry out for themselves the duties and obligations enjoined on them in the Scriptures." "A

tion started out with a single lofty purpose. It would show the way to unity both in theory and practice. How far has it succeeded? It has made some excellent contributions to the literature on Unity.²⁵ It has held up high ideals before the Christian public. But has it not also succeeded in adding to the confusion by creating first one and then two²⁶ additional organizations with their distinct lines of differentiation and demarcation? So with all from first to last. All are academic and none seems ready to make the self-forgetful venture of faith.

But things cannot go on as they are. All is not well in Zion. All is not well with the world. One trembles to think how much of the guilt of this world convulsion may rightly be charged up against a divided and inefficient Church. Let that pass, however. The immediate fact is that nothing less than a world revolution is taking place. Movements as significant as the Mediaeval Renaissance, the Protestant Reformation, and the French Revolution are going on before our eyes. Just as serfdom gave way to feudalism, and feudalism yielded somewhat to altruism, so the present order is giving

History of the Disciples of Christ," B. B. Tyler. The Christian Literature Co.

²⁵ *The Christian Union Quarterly*, edited by Peter Ainslie, Seminary House, Baltimore, Md., is an excellent publication devoted to Unity.

²⁶ The "Churches of Christ" appears to be an offshoot from the "Disciples." Census of Religious Bodies, 1906, Part 1, p. 15: Government Printing Office, Washington, D. C.

way to some form of collectivism. Greek civilization had its day of glory and gave way to Rome. Rome fell and gave way to the Christian civilization of mediaeval Europe. This civilization, through reformation and revolution and reaction, and through an over emphasis on the doctrine of individual rights, gave way to what is proudly called Modern Civilization. Its gods are individualism, intellectualism, and materialism. It cannot survive. It is breaking down as "a world in arms hammers out its unknown future on bloody anvils."²⁷

Can the churches remain unmoved, like S. Simeon Stylites on his pillar, as a staggering civilization passes on? Can the churches remain static while the whole fabric of society is undergoing structural changes? Can a fossilized traditionalism supply the spiritual dynamic to the new age? "Jesus Christ is the same yesterday and to-day and forever."²⁸ That means that He is eternally young, the Redeemer of the twentieth century. Dare the churches go on preaching a disintegrated Christ to this newborn era which is hailing internationalism and the progressive solidarity of brotherhood as its new Saviours? Must not the churches expect to undergo something as revolutionary as what is going on around them?

There will be a difference, of course, for the

²⁷ Cram's "The Substance of Gothic," p. 2.

²⁸ Heb. XIII, 8.

Kingdom of Christ "is not of this world."²⁹ The revolution in the Churches will be a recovery and not a discovery. They will discover no new faith, but the recovery of the lost charter of the Church's unity is surely the revolutionary challenge of the hour. Only through a resurgent faith in the power of Christianity to reassert its corporate strength can we look beyond the social revolution of to-day to the spiritual regeneration of to-morrow. Revolutions are frequently a compound of two ingredients, evolution and recovery. They return to the past to take a fresh grip on eternal verities, from which base alone can the human soul confidently leap forward into the future. The Renaissance and the Reformation were recoveries as well as evolutions. They returned to the past to find hope for the future. The Renaissance revolted against scholasticism and returned to the intellectual atmosphere of Greece for the development of the intellect. The Reformation revolted against ecclesiasticism and returned to the conscience of primitive Christianity for the development of the soul.³⁰ So the new revolution in the churches may be confidently welcomed as an evolution and a recovery. It will be a recovery of a lost conscience on the unity of the Body of Christ. It will be an evolution from chaos to cosmos.

There was a time when the Church was visibly

²⁹ S. John XVIII, 36.

³⁰ Gunsaulus' "Martin Luther and the Morning Hour in Europe," pp. 3-6. University of Chicago Press.

one; when the churches of Jerusalem and Rome and Corinth and Ephesus and Phillipi and Colosse were one; when the churches of Europe and Asia, with their varied and multitudinous membership, were one. That was the most productive period of the Church's life. That early Church was constructive, dynamic, evolutionary, and revolutionary.³¹ It did not try to save its own life. It made daring ventures for God. It was not self-conscious. It was self-forgetful. It had a sublime consciousness of a mission from God. It had an overwhelming conviction that God so loved the world that He sent His only-begotten Son that the world through Him might be saved; that God was in Christ reconciling the world unto Himself; that the Church was the Body of Christ, the executive agency for bringing in the Kingdom of righteousness and peace and joy; that Christ crucified was to be preached as the power and wisdom of God, even though it were a stumbling block to some and foolishness to others. This was the Church's message. She could proclaim no other. She proclaimed it, not for her own sake, but for Christ's sake and the world's sake. What matter what happened, if she fulfilled her Mission? What mattered it if there were political persecution and social ostracism, and perils by land and sea, and imprisonments and martyrdoms — what mattered all

³¹ "Early Christianity is not static and miraculous, but dynamic and evolutionary."—Professor Percy Gardner in *October Hibbert Journal*, p. 122.

these things if the Kingdom of God were being set up?

The Church was concerned with only one thing. That one thing was not her own life. She risked it every day in preaching her Gospel. As the Gospel was proclaimed the world began to be changed and turned "upside down."³² The corner stones of our highest civilizations began to be laid. Liberty, fraternity, and equality began to be born. Beneficent ideals began to find their way into the statute-books of the nations. Guilds and crafts and brotherhoods and sisterhoods for mutual help and protection began to spring into being. A new kind of art and architecture was born. Woman began to occupy her proper place in the world. Slavery began to be abolished. War itself started out on its long, long journey towards extinction. Men acquired a new conscience in regard to the sinfulness of sin and the dignity of service. They arrived at new ideals about home and wife and child and mother; and the most hopeless of men found a new power to lift them from the mire and stand them up among the princes of God's people. These things did not happen in a day. They have not all fully happened yet. The Kingdom of God is in process of becoming. But all that we mean by a Christian civilization made continental strides forward, as a self-forgetful Church staked its very life on God in a hostile world.

³² Acts XVII, 6.

Come down several centuries. The Church had then acquired great power, political and social, but with it she became self-conscious; conscious of the greatness of the institution itself, conscious of her power and pomp and glory. With the dawn of self-consciousness she lost that self-forgetfulness which had been the secret of her earlier strength. Then followed spiritual decay. Then followed revolt and schism as a righteous protest against the loss of spiritual vision. Then followed in turn the substitution of many churches for the one Church of the New Testament and folios of theology for the simple symbols of primitive Christianity. Then followed later the same self-consciousness on the part of the separate churches as they, themselves, had protested against on the day of their birth. Is not that the situation to-day? The churches are self-conscious. They have a meticulous dread that something may happen to the outward fabric, to the traditions, to the sect structure of the organization. What does it matter what becomes of the churches, if the Church remains as God's vice-gerent, the witness for Christ and the conscience of the nations? They were the spiritually dull ages of the Church that invented such a title as "defender of the Faith," and conferred it on such a licentious Christian as King Henry VIII. The Faith has never needed such defenders. It needs propagators. It carries the evidence of its truth along with it. The Church needs no protectors to-day. It needs liberators.

The churches need to be liberated from sectarianism, from conventionalism, from the tyranny of inherited pride, prejudice, and ignorance, and from bondage to mere idiosyncracies. They need to lose their sect-consciousness and to recover the Kingdom-of-God-consciousness of an earlier day. They need to go back to the rock from whence they were hewn, in order that they may go forward to new conquests of the waste places.³³

What is Church unity? In many minds it appears to be synonymous with undenominationalism. That would be an unspeakable calamity. The elimination of differences would leave nothing behind but an irreducible minimum which is infinitely less than the gospel of Jesus Christ. Nor is Church unity the same thing as interdenominationalism or federationism, although these may squint in the right direction. Church unity cannot be manufactured. A new Body of Christ cannot be constructed by any human ingenuity. As Father Kelly says in his "Church and Religious Unity," "a living unity cannot be constructed, but it already exists in the Christianity we are trying to apprehend." Even the coming together of the churches would not constitute a brand-new Church of Christ. On the other hand the churches cannot realize or apprehend or show forth the power or the unity of the Body while they are in a state of organized schism. Unity is that condition of life

³³ Isaiah 51: 1-3.

under which the Body functions normally as a single living organism. It is that condition under which the churches lose themselves in the Church. It is that condition under which all the parts work in harmony with and under the direction of the whole. It is that condition under which Christians of every race can make their communion at the one altar of Christ, under circumstances, however variable, which have the sanction of the whole Church.

There are two ways of approaching the realization of unity—the way of mutual concession and the way of mutual contribution. Those bodies which are nearest akin might consolidate through mutual surrender of their differences. A similar process might then be repeated with the resultant bodies. And so on. Such initial steps would appear to be entirely practicable and would be a consummation devoutly to be wished. Ultimately they might lead to the final goal. This method of approach, however, is open to criticism. It is the way of compromise rather than comprehension. It demands concessions in an enterprise that calls for contributions. Each concession may mean the forfeiture of some spiritual value. Concessions in one direction would probably have to be followed by concessions in another. Honest convictions touching fundamental orthodoxy might soon become involved. And at the end of a series of cautious concessions a union might be reached at the expense of life and truth. In this case the resultant church

would not be worth dying for nor be able to produce saints and martyrs.

The other way of approaching the subject is the way of faith. Faith in God, loyalty to Christ, obedience to His will, a readiness to lose our churches for His sake—is not this Christ's way? It is along no highway of man's building that the answer to Christ's prayer will come. It is through no mechanical process. It is by no ecclesiastical bargaining. It will come through a venture of faith in Christ and through trust in the brethren. When Christ instituted the great sacrament of unity He required no preliminary agreement reaching out into the sphere of philosophy and metaphysics. "Take, eat," He said, "This is My Body. Do this." It was an act of faith that was required, not a full understanding; an act in which the learned and the unlearned could participate with equal affection and adoration. So with the unity of the Body: It cannot be materialized through an intellectual agreement covering a wide range of thought, but it can be realized through an act of faith in a Person and through the oblation of the will. It was religious decay whereby Christ was wounded in the house of His friends; and only the restoration of a sacrificial devotion to the Person of Christ can heal the wounds. Christlikeness, within the household of faith, if raised to a sufficiently high level, will, in itself and by itself, restore the wholeness of the Church. Christlikeness, and that alone, will envelop within the unity those principles of

order and liberty that are essential to the solidarity of the Christian Society. Is not this the meaning of Christ's prayer, that the visible oneness of His people will convert the world, by convincing it that such inseparability is the evidential embodiment of a common Christlikeness at its base?³⁴

These are the two methods of approach—the way of caution and the way of venture. The one takes one trembling step at a time, the other stakes everything on God. The one has been repeatedly tried and has been uniformly abortive.³⁵ The other has never been tried. And, after all, is not the larger plan more practicable and more hopeful than the piecemeal plan? Many a man would gladly lose his life for a great cause who would reluctantly yield a mere privilege to some hazardous half-measure. The difficulties of reconciliation are often in inverse ratio to the proximity of the disputants. Family quarrels are notoriously hard to settle.

Some such considerations as these seem to lie at the base of the proposed World Conference on Faith and Order.³⁶ It aims to embrace all forms

³⁴ "We cannot oppose 'organic unity' and 'spiritual unity' when applied to the Church, as though they were mutually exclusive; for just in so far as the Church is permeated through and through with the presence of the Holy Spirit, will it be in a position to perfect its organization for the accomplishment of the work God has set it to perform and to realize its organic unity." Hamilton's "People of God," Vol. II, p. 184.

³⁵ I do not mean that they have not been productive of good results, but that they have not reached any definite form and shape.

³⁶ "We believe that the time has now arrived when *representatives of the whole family of Christ*, led by the Holy Spirit, may be willing

of organized Christianity whose central principle is allegiance to the incarnate Son of God. Rising above everything partial and sectional, it would assemble Catholics and Protestants into a conference, so truly representative that it would be ecumenical in its reach though without the embarrassment of power to bind its participating bodies. Relying on the guiding Spirit of God rather than on any skill in diplomacy, it would endeavor to "make straight in the desert a highway for our God." "On first thought the bigness of the plan seems to make it impractical, if not impossible. On second thought, however, it is its very bigness which seems to make it possible and practicable. Its wide scope lifts it above local difficulties. It lifts it above the spirit of the age into the spirit of the ages. There is scarcely a nation in the world to-day wherein a national conference for the same purpose could take place. Political complications, educational controversies, social inequalities between established and unestablished churches—these and conditions such as these make national conferences on Faith and Order quite impracticable. But a World Conference lifts the whole subject above those national and artificial barriers that men erect between themselves; it lifts it above the realm of racial types and local phases; it lifts it above the incidents and accidents

to come together for the consideration of questions of Faith and Order." From the preamble to the resolution calling for the appointment of the Commission.

and tragedies of history into the clearer vision of the universality of Christ and the unity of His Body, the Church. Multitudinous difficulties automatically disappear as saints and scholars of many lands and churches meet to contemplate a world Saviour, saving a whole world, through a world Church.”³⁷

Unity through a venture of faith: are the churches ready for it? It certainly will not come through argument. Are the churches prepared to accept the positive principles (not the negative, for people are generally right in their affirmations and wrong in their negations)—are they prepared to accept the positive principles of Catholicism and Protestantism, *in faith* that when housed under the same roof, contact and fellowship will remove the difficulties and disarm the hostilities that the separated parts have towards each other? That is the question. Have Romanism and Anglicanism and Protestantism and the Orthodox conservatism of the East, such faith in God and such confidence in the Christian brotherhood as to believe that the demonstrated spiritual values which each regards as its own special stewardship, are compatible and reconcilable in the one household of God?³⁸ Looking broadly over Christendom

³⁷ From my address before the North American Preparatory Conference, Garden City, January 1916.

³⁸ For an illuminating account of the agreements between Catholics and Protestants, see the chapters on Comparative Symbolics in Briggs' "Theological Symbolics," pp. 251-273. "The fundamental principles of the Reformation were common to the Protestant Reform and the Roman

there are outstanding elements of interior religion and of exterior structure which appear to have demonstrated their right to be regarded as permanent features of the Christian Church.

I. The positive principles of Protestantism (to reverse the historic order) are permanent. They are not ephemeral. They were not discovered by Protestantism. They were recovered. Protestantism has no monopoly of them. The Pope himself would probably put his imprimatur upon them.³⁹ Is it conversion? Is it a conscious discipleship to Christ? Is it a free accessibility

Catholic Reform. The consensus of the Symbols of the Reformation, even as regards the new doctrines, is much greater than the dissensus; and it is just in this consensus that the real symbolic advance of the Christian Church has been made."

³⁹ The anathemas of the Roman Catholic Church are directed against *the rejection of truth* on the part of Protestants, rather than against their positive teachings. "If any one denieth," "if any one saith that there is not," is the general form of the decrees of the Council of Trent on Baptism, Confirmation, Holy Orders, the Eucharist, etc. Even here explanation, interpretation, and mutual humility may remove hostility. Cardinal Wiseman approvingly quoted "the profound and pious Möhler" as follows: "After observing," he says, "that no Catholic can refuse to acknowledge with humiliation the corruptions of past ages, that this proof lies in the very existence of Protestantism which could not have existed without them; he thus concludes: 'Apprenez donc une fois, ô Protestants, la grandeur des abus que vous nous reprochez sur la grandeur de vos propres égarements. Voilà le terrain, sur lequel les deux églises se recontront un jour, et se donneront la main. Dans le sentiment de nôtre faute commune, nous devons nous écrier, et les uns et les autres, 'Nous avons tous manqués, l'Eglise seule ne peut faillir; nous avons tous pêchés, l'Eglise seule est pure de toute souillure.'"

The failures of such attempts at reconciliation as were made by DuPin and Wake, by Bossuet and Leibnitz, by Hugo Grotius and others, have been due, as the Roman Catholic Bishop Doyle said, "more to princes than priests; more to state policy than a difference of belief." See Pusey's "Eirenicon," 1866, pp. 25, 26, 245; also Ainslie's "The Message of the Disciples for the Union of the Church," pp. 66, 67.

to God in prayer? Is it a conscious spiritual experience? Is it the priesthood of believers?⁴⁰ Is it justification by faith?⁴¹ Is it a belief in Holy Scripture?⁴² They are the property of Christians everywhere. It is isolation that makes heresy. A truth may cease to be true when divorced from other truths and put forth as exclusive truth. Churches may be right in their attachment to their principles and at the same time wrong in their detachment from the fulness of truth as contained within the life of the whole body. The problem of unity, so far as it concerns Protestants, is not to prove that their fundamental doctrines are true. They are not seriously in dispute. The problem is that of organically relating the parts to the whole.

II. The Faith is permanent. “Earnestly

⁴⁰The whole body of baptized Christians being “A spiritual house, a *holy priesthood*, to offer up spiritual sacrifices” (I S. Pet. II, 5) the official ministers cannot be less than priests. The “priesthood of the laity” does not mean the “laicising” of the priesthood.

⁴¹The controversy is over the word “*only*”; but “the difference is not so great as it appears to be.” “If Faith is the *root* of justification, as the Roman Catholics teach, and all Christian graces spring from that root, how does that differ from the Protestant teaching, that good works are the *fruits of faith*?” See Briggs’ “Theological Symbolics,” pp. 310-316, for a comparison between Roman Catholic and Protestant Confessions.

⁴²There was strange irony in Pope Leo’s appeal to Protestants: “Whereas, formerly they used to assert that the books of the Old and New Testament were written under the inspiration of God, they now deny them that authority; this indeed was an inevitable consequence when they granted to all the right of private interpretation. . . . hence those conflicting opinions and numerous sects that fall away so often into the doctrines of Naturalism and Rationalism.”—Encyclical *Præclara Gratulationis Publicæ*, June 20, 1894.

contend for the faith that was once delivered to the saints," exhorts S. Jude. The Faith, what is it? It is that light of truth and spiritual experience which radiates from the Sun of Righteousness and illuminates the pages of Holy Scripture and the lives of holy men. It is that body of truth which grows out from the central fact that "the Word was made flesh and dwelt among us." It is that body of truth, formulated from the Scriptures, which had the outward sanction of an undivided Church and the inward sanction of universal experience. *Quod semper, quod ubique, quod ab omnibus creditum est.* The Faith! It is the watchword of Russia and of millions of Christians in the East. By it they live. For it they die. It is not theirs alone. Occident and Orient can unite in singing—

"Faith of our fathers, Holy Faith,
We will be true to thee till death."

Again, the problem of unity is not that of discovering or rediscovering the Christian Faith. It is the problem of fighting together under the banner of the orthodox faith with all the orderliness of an army of God.

III. The sacramental system is permanent. A religion which revolves around the Incarnation cannot be other than a sacramental religion. The number of sacraments will depend upon one's definitions. If a sacrament is defined simply as

“a visible sign of an invisible grace”⁴³ the number will be large. If the definition is drawn more tightly, the number will be reduced.⁴⁴ But the truth or value of the thing itself is not dependent upon any definition. Sacraments have always been integral features of the Christian Church. There has been a consensus concerning the two great sacraments of Baptism and the Eucharist. The dissensus concerning other means of grace cannot rightly be erected into a barrier against a united Church.⁴⁵

IV. Episcopacy is a permanent feature of the Church. Its importance lies not in the institution itself but in the underlying principle of continuity and order which it embodies. No attempt is here made to argue the question or to contrast it with the papacy or the “historic presbyterate” or to discuss its origin. This is only a bird’s-eye view

⁴³ S. Augustine, *The City of God*, X, 5: “Sacrifices signified the things which we do for the purpose of drawing near to God. . . . A Sacrifice therefore is the visible sacrament or sacred sign of an invisible sacrifice.”

⁴⁴ Only two Sacraments comply with the contents of the Anglican definition—“generally necessary to salvation.” This does not imply that there are no other sacramental means of grace. Luther recognized three Sacraments, Richard Baxter, five.

⁴⁵ “The dispute as to the number of the sacraments is indeed ‘a question of a name.’ . . . S. Thomas Aquinas seems to doubt, at least, whether there are not more than seven Sacraments, divides the seven into groups with very important notes of difference, and decides that the Eucharist is ‘*Sacramentorum omnium potissimum.*’ . . . The Council of Trent has an anathema for any one who says that the seven Sacraments are so equal that none is more worthy than another; Richard Baxter distinguishes between ‘three sorts of Sacraments.’ . . . For special vocations there are special means of grace.”—Dr. Paget, Bishop of Oxford, in “*Lux Mundi*,” p. 355, 356, Fifth Edition.

of the things which for centuries have stood out with a prominence that predicates their permanence. As Dr. Briggs said in 1909, "History speaks very strongly for the Historical Episcopate. My historic sense . . . leads me to the opinion that the Church, guided by the Divine Spirit, did not err in its Episcopal government through all these centuries."⁴⁶ An institution which is practically coterminous with the history of the Christian Church, which obtains in probably two-thirds of Christendom to-day, which is associated with that part of Christendom which is least susceptible to sect-disintegration—is it likely that such an institution is to be entirely eliminated from the united Church of the future? Is there to be no corporate continuity between the Church of the future and the Church of the past, between the Church of the age and the Church of the ages?

V. The Papacy is permanent. One can respectfully distinguish between the Papacy and papalism. Papalism in the ecclesiastical sphere may

⁴⁶ "If a ministry came into existence, it was because some work vital to the life of the Church had to be performed. If that ministry became permanent, it was because the needs which called it into existence proved to be permanent. If the same type of ministry and the same titles prevailed in all the local Churches, it was because the same needs were felt by all local groups of Christians."—Hamilton's "People of God," Vol. II, p. 170.

"The president, sometimes called the pastor, but usually the bishop, became gradually the centre of all the ecclesiastical life of the local Christian Church and the one potent office bearer. . . . The change came gradually. It provoked no great opposition. It was everywhere, or almost everywhere, accepted."—"The Church and the Ministry," Lindsay, p. 205.

be in the same category with Kaiserism in the political sphere. The onward march of events may remove both from the world. But this does not mean the overthrow of government and headship in Church and State. Democracy does not mean anarchy or unbridled individualism. S. Paul was the spokesman of the Christian democracy: "By one Spirit are we all baptized into one body, whether we be Jews or Gentiles, whether we be bond or free." But this same S. Paul was a stickler for order and organization: "God hath set some in the Church, first apostles, secondarily prophets, thirdly teachers." A constitutional head of the Church⁴⁷ would not be out of harmony with the coming democracy, nor with vital Christianity. "The primacy of Rome was recognized" in the first place "because she was the champion of Christianity in holy love." She may become so again. What would happen if the whole Protestant world accepted the Pope's invitation to "come home"? The atmosphere would be changed, the fabric would undergo repairs, and some things that are obnoxious would become obsolete. A constitutionalized papacy makes no violent break

⁴⁷ See Briggs' "Church Unity," 421-425. Also Gore's "Orders and Unity," p. 195, as follows: "The Roman Communion is a great and wonderful part of the Christian Church, with a wonderful power of recovery and expansion, and, in moral and administrative matters, a wonderful power of self-reform. It is astonishing, if you read Calvin's denunciations of the Roman Church in his *Institutes*, to reckon how many of the abuses which he denounces have been completely remedied. But it is equally evident, at least to the present writer, that the Roman development of Christianity is a one-sided development."

with the past, contains no prejudices against the future, is not inimical to democracy, and it is not practicable to eliminate it from a world-wide Christian fellowship. What Protestant Christian is there, who does not desire corporate communion with such stalwart Christians as Cardinal Mercier and Father Velimirovic, who found their lives by losing them in shepherding their bleeding flocks?

These are some of the outstanding features of organized Christianity. They stand apart. The papacy, episcopacy, the presbytery—they stand apart. The priest and prophet stand apart. Is this aloofness and antagonism to be permanent?⁴⁸ Arguments cannot heal the breach. Faith and courage can; and these are within reach. The way of comprehension is the way of faith and courage. Unity by comprehension gives each body the unique opportunity for conquest from within. Heretofore the attacks have been made from without. Each has hurled against the other its heaviest guns and its fiercest missiles. The result is a drawn battle and a no-man's-land of utter desolation. The time has come for each to admit this, and,

⁴⁸ "The Reunion of the Protestant churches would be the completion of but one column only of the triumphal arch of the one true Church. The other column stands apart—the Roman Church; its base, as it claims, the rock on which the Church is founded, built of the memorial stones of the ages, unshaken in its massive proportions. Shall the two columns remain forever apart? Rather has it not already come to the point where on either side may be discerned the beginning of the curve which, when carried up to completion, shall make the one perfect arch?" Newman Smyth's "Passing Protestantism and Coming Catholicism," p. 175.

without surrender, to seek the privilege of demonstrating as a partner what he failed to do as a rival. Has each Church sufficient confidence in its own position to believe that it would find a place in the sun, if brought into interior contact with its undefeated foe? It may be said that the body of the larger claims would thus absorb the body of the smaller claims. On the contrary, would not the process be a kind of mutual assimilation rather than a one-sided absorption? In the composition of water, oxygen does not absorb hydrogen. They blend, and the lesser ingredient is as essential as the greater. That Church which undertakes to absorb another Church must expect great interior consequences. Let us suppose, by way of illustration, that the Anglican Communion went bodily into the Roman Communion, retaining certain easily granted rights and privileges.⁴⁹ Which would take the greater risk? The Roman. For why? The Anglican Communion would not have to abandon any dogmatic principle, though, for the time being, it would have to acquiesce in some novelties towards which it had taken a negative position. It would gain a strategic position in

⁴⁹ At any rate this was the attitude of Pope Leo XIII towards the Eastern Churches. "Nor is there any reason for you to fear on that account that We or any of Our successors will ever diminish your rights, the privileges of your patriarchs, or the established ritual of any one of your churches. It has been and always will be the intent and tradition of the Apostolic See, to make a large allowance, in all that is right and good, for the primitive traditions and special customs of every nation."—Encyclical on the Reunion of Christendom, June 20, 1894.

being able to operate from the inside. The Roman Communion, on the other hand, would take great risk in receiving into the fold a powerful influence which might compel it to reconsider certain definitions which it presumed to make while in a state of isolation from the rest of Christendom. Or, let us suppose again, and again by way of illustration, that the Presbyterian Church, retaining certain readily granted rights, were to come bodily into the Anglican Church. Which would take the greater risk? The Anglican. For why? The Presbyterians would not have to give up their positives, though they might have to acquiesce temporarily in some things towards which they have taken a negative position. They would capture a strategic position for converting Anglicanism from within instead of attacking it from without. The Anglican Communion would run the risk of being overwhelmed by such a stalwart spiritual force. Paradoxical as it may seem, the absorbing body (if unity necessitated absorption) takes the greater risk. Herein is the strength of the Protestant position. It added no new dogmas⁵⁰ and therefore it would have to surrender none. It would lose nothing and gain the pearl of great price—the lost principle of unity.

But why talk of risks, when the great Head of the Church said that he that would lose his life

⁵⁰ "No Symbol has been adopted by any Protestant Church which adds anything whatever to the historic Faith of the Church." Briggs' "Theological Symbolics," p. 248.

shall find it; and that the gates of hell could not prevail against the Church? Why talk of risks, when "the unity of the Church is in holy love which binds Christians to Church and to one another"? Why talk of risks, when the only risk is that of making the grand discovery that things which men thought were contradictory are really complementary?

One does not like to quote Nietzsche much in these days, but he says some things that stir our sluggish souls. "Live dangerously," he says. Live courageously. Courage is the keen desire for life which takes the form of a challenge to death. God give the churches the faith and the courage to stake everything on Him!

The substance of it all is this: The world is groaning in pain. Vital principles are coming to the birth. A new age is dawning. That new age is to be indelibly stamped with internationalism, with a new social order and a wider ideal of brotherhood. These things are the outgrowth of Christianity. They must not be cut off from the Church. They must be housed within it. Can our chaotic Christianity preach and practise the gospel of brotherhood in Jesus Christ to a world that is beginning to dream of a universal Kingdom of God? Shall the churches lag behind the times? Will they learn to think and speak and act in terms of the whole? Will they abandon their self-consciousness and enter upon a self-forgetful adventure for the visible unity of the

people of God? Will they discern the signs of the times?

Nation is rising against nation, and Kingdom against Kingdom. There are famines and pestilences and fearful sights and great signs. Upon the earth there is distress of nations with perplexity. The sea and the waves are roaring. Men's hearts are failing them for fear and for looking after those things which are coming on the earth. The powers of heaven are being shaken. Let us read the signs of the times. Let us look through the war clouds that darken a distraught world and see the Son of Man coming anew into the lives of men with power and great glory.

Manual for Home Storage, Pickling, Fermentation and Salting Vegetables

With directions for Making Potato Starch,
Fruit Pastes, Butters, Etc.

1917

PUBLISHED BY THE
National Emergency Food Garden Commission
210-220 Maryland Building, Washington, D. C.

STORING VEGETABLES FOR WINTER

As a war time measure no form of Food Conservation is more important than the winter storage of vegetables. Canning and drying are essential to the Nation's food supply, and should be practiced to the fullest possible extent, but they do not take the place of plain storage. To keep vegetables in their natural state is the simplest form of preparation for winter needs. By taking proper precaution against decay and freezing an abundant supply of certain kinds of fresh vegetables may be kept at minimum expenditure of money and effort.

THE NEED FOR STORAGE

The importance of making provision for winter food needs was never so great as this year. Every pound of foodstuffs that can be spared for export will be needed in Europe for feeding American troops and to prevent the starvation of the domestic

and military populations of the Allied Nations. Every pound of vegetables stored away for home uses will release food for export. A nation at war is a nation with a food problem. A nation with a food shortage is a nation in peril. For this reason it is

of vital importance that no vegetables of high food value be allowed to go to waste.

The home gardening campaign conducted by the National Emergency Food Garden Commission this year resulted in the creation of a vast new planting area. More than three million gardens have been planted where none grew before. The output of these gardens is greatly in excess of immediate needs. Unless proper steps are taken to safeguard the surplus the waste will be prodigious. This Commission has already stimulated nation-wide activity in canning and drying. The purpose of this booklet is to arouse similar interest in the storage of vegetables and in other forms of winter preparedness.

Storage is an essential factor in Food Conservation. Households which fail to store their own supplies will find themselves forced to pay winter tribute to the wideawake business concerns which have practiced storage on a commercial scale. By storing vegetables during the season of lowest prices even the household which has no home garden can save much of the cost that would be involved in winter purchases and incidentally make important contribution to the national food supply.

WHAT AND HOW TO STORE.

There are many vegetables which may be stored to good advantage. Included in the list are late potatoes, beets, carrots, parsnips, turnips, sweet potatoes, onions, celery, cabbage, salsify, dry beans and dry lima beans. For some of these satisfactory storage places are provided by the pantry shelf or attic. For others the cellar is the right place. For others outdoor storage is preferable. This may take the form of pits or banks, or it may be done in hillside caves or cellars. Especially good re-

sults may be obtained if several neighboring families will form community clubs to provide storage facilities. In this way very complete provision may be made for handling winter supplies at slight trouble and expense to the individual household.

CELLAR STORAGE.

In a house heated by a cellar furnace vegetables may be stored in the cellar. Partition off a small room and if possible see that this room has at least one outside window for temperature regulation. An earth floor is desirable, but in a cellar with a concrete floor the purpose may be served by covering the concrete surface with two or three inches of sand, which should be sprinkled with water from time to time. In this room may be stored **potatoes, beets, carrots, parsnips, turnips and salsify.** Put them in bins or in boxes, baskets, slat crates or barrels. A bin should hold not more than two or three bushels. The vegetables should be harvested when the ground is dry and should lie outdoors until any moisture on them has evaporated. Remove the tops from beets, turnips, carrots and salsify. In cellar storage beets, carrots and turnips may be buried in damp sand to good purpose. **Radishes** harvested late in the fall should be stored in a cool place and covered with three inches of moist sand or they may be buried in the yard under six inches of soil. The cellar room also may be used for the storage of fresh fruits and canned goods. In storing potatoes it should be remembered that the purpose is to protect them from great changes of temperature and from light. Even a small amount of light damages the food value of potatoes. There should be enough moisture to keep the potatoes from wilting, but not enough

to cause moisture to gather on the surface.

The temperature of such a storage room should be carefully controlled to prevent wide fluctuations. A constant temperature around 40 degrees F. is desirable. It should not be allowed to go below 32 degrees or above 50 degrees during the period of storage.

Potatoes should not be washed. If they begin sprouting in the spring all the shoots should be rubbed off. The bins should be examined occasionally and any rotting potatoes removed to prevent the spread of infection.

PIT STORAGE.

For outdoor storage make a pit 6 or 8 inches deep and as large as needed, in a well-drained place. Line this with hay, straw, leaves or similar material and place the vegetables on this lining in a conical pile. Cover the vegetables with several inches of straw, leaves or something similar and cover this with enough earth to prevent freezing. In cold climates the earth covering should be a foot or more in thickness. It is well to make several small pits rather than one large one, for the reason that when a pit has been once opened the entire contents should be removed. This form of storage is used for **late potatoes, beets, carrots, turnips, parsnips, late cabbage and salsify**. It is well to store several varieties of vegetables in one pit so that the opening of a single pit will afford a supply of all of them. In following this plan it is desirable to separate the various crops by the use of straw or leaves. When the pit has been opened the vegetables may be placed in the basement room and used as needed.

For late varieties of cabbage the pit should be long and narrow. The

cabbages are placed in rows with heads down and covered with dirt. No other covering is needed. The removal of a portion of this supply does not disturb the remainder. Cabbages may be stored in the cellar in boxes or barrels of earth or sand, or they may be placed in a cool cellar on the floor, with roots up.

Cabbage may also be stored by placing the whole plant in a trench, roots down, and placed closely together. The roots should be covered with dirt and dirt should be banked over the stalks to a depth of several inches. Place two feet of straw or other material over the pit.

Mature heads of cabbage of long-keeping sorts, such as Danish Bull Head, may be cut from the plant and stored one layer deep on shelves in cool, frost-proof cellars or outbuildings.

In storing celery in a pit or trench, the plants are set side by side as close as they may be packed and wide boards set up along the outside of the pit. Dirt is banked against these boards and the top covered with corn fodder or similar covering. If celery is kept in the row where grown the earth should be banked around the plants with the approach of cold weather. For freezing weather bring the dirt to the tops of the plants and cover the ridge with coarse manure, straw or fodder, using stakes or boards to hold the covering in place. Only late maturing and late planted celery can be safely stored.

OUTDOOR CELLAR.

An outdoor cellar makes a good storage place. In cold climates this should be partially underground. A side-hill location is desirable for ease in handling the vegetables. To make such a cellar dig an excavation and in this erect a frame by setting posts in rows near the dirt walls. Saw

these posts off at uniform height and place plates on their tops. On these plates place rafters. Board up completely with the exception of a place for the door. The whole should be covered with dirt and sod, and in cold climates added protection should be given by a layer of straw, fodder or similar material. A dirt floor is best, as some moisture is desirable. This form of storage is especially good for the joint use of several families.

On a more pretentious scale cellars of this nature may be made of brick, stone or concrete. Such cellars afford practically perfect storage room for late potatoes, carrots, parsnips, beets, turnips and salsify.

VARIOUS METHODS.

Permanently cold frames, with deep pits, may also be used to advantage in storing vegetables if the drainage is made thorough. After the frames are filled the sash should be covered with boards and the outside banked with soil or manure. As the weather becomes severe a covering of straw or mats is necessary. This covering should be heavy enough to prevent freezing.

Cauliflower and brussels sprouts which have not matured may be taken up and planted in shallow boxes of soil in a light place in the cellar. If kept well watered they will mature for winter use.

Onions require a cool, dry place. They should be cured by being exposed to the air for a few days in the shade. The tops should be removed before storing. Keep them in baskets, trays or other holders which let the air circulate. Onions are not damaged by temperatures slightly below freezing, and for storing them the attic is better than the cellar.

Squashes are susceptible to cold and moisture, and for that reason should be stored in a dry place where the temperature will approximate 50

degrees F. **Squashes** may be kept by placing them in a single layer on a dry floor and covering with rugs or carpets, but care must be taken that the stems are not broken off and that they do not become bruised before storing.

Parsley may be saved by transplanting into flower pots late in the fall. These should be kept in windows where they will receive sunshine.

Tomatoes may be saved by pulling up the entire plant before freezing weather. The vines should be suspended by the roots in a cool cellar. The tomatoes will gradually ripen.

Sweet Potatoes.—In storing sweet potatoes the important points to be kept in mind are that the potatoes must be well matured before they are dug; they must be handled with extreme care; they must be allowed to dry or cure thoroughly before storage, and they must be kept at an even temperature. A test for maturity is to cut or break a sweet potato and expose it to the air for a few minutes. If the surface of the cut or break dries the potato may be considered mature, but if moisture remains on the surface it is not properly ripe. In sections where frosts come early digging should take place about the time the first frost is expected, without regard to maturity. Care in handling is necessary to prevent bruising and decay. Curing is done by keeping them at an even temperature of 80 to 85 degrees F. for a week or ten days after harvesting, to dry off the moisture. The room in which this is done must be ventilated in order that the moisture-laden air may escape.

For storing sweet potatoes on a large scale a specially constructed house is desirable. For home storage the roots may be kept near the furnace in the cellar or near the furnace chimney in a vacant upstairs room or in the attic. The room should be kept fairly warm. After curing the temperature should be maintained around 55 degrees F.

POTATO STARCH AND ITS USES

To prevent tremendous waste in potatoes and to create an important food supply which will decrease the drain on the nation's available wheat and flour, the American home should avail itself of the simple methods developed by modern science for the making of *Potato Starch*. This is easily done in any household. Its advantages are:

Utilizing culls, bruised, poorly developed and otherwise useless potatoes, of which it is estimated that probably 75,000,000 bushels go to waste in the United States each year.

Providing a healthful, appetizing food product which can be used in many ways where flour is now used.

No equipment is needed other than a cylindrical grater or sausage-grinder, a pan or galvanized vessel for holding the potatoes, another vessel into which the grating or grinding is done, and another into which to empty the gratings; water in abundance and cloths for wiping. If a sausage-grinder is used, the potatoes should be cut into small pieces before grinding.

The potatoes should be thoroughly washed with the use of a scrubbing brush. Do not remove the skins. After grating or grinding into a dish-pan held on the lap or on a low table, empty the potatoes into another vessel until it is half full or slightly more. Pour over these gratings, fresh, clean water, stirring thoroughly in order that the entire mass may be saturated. After this has stood for a while remove the particles of peelings and other material floating on the surface. Add more water, stirring well, and let stand over night, to allow the starch granules to settle to the bottom and all pulp or peelings to rise to the surface or settle on the top of the pile. The water and the pulp and skins should be removed carefully and the dark coat scraped from the top of the starch formation, with care to remove none of the starch. Then pour fresh water over the starch, stirring well, and allow this to stand for several hours, or over night. The water and pulp should be removed, as before, and water again poured over the starch. Repeat this process until the starch is perfectly white and is free from pulp, sand or sediment. The finished product resembles wheat flour in whiteness and smoothness.

A short-cut in the process may be achieved by straining pulp, starch and water through a cheese-cloth or cloth of even finer mesh, immediately after the first rinsing.

RECIPES FOR USING.

Boiled Custard.—Beat 4 eggs slightly and add $\frac{1}{2}$ teaspoonful of salt and 8 tablespoonfuls of sugar. Take 1 quart of milk. Mix 4 tablespoonfuls of potato starch with a little of the milk. add the remainder of the milk and cook in double boiler for 5 minutes, or until thickened. Pour slowly over the eggs, stirring steadily. Again cook in double boiler for a few minutes, taking care to see that it does not cook long enough to curdle. Add 1 teaspoonful of vanilla just before taking from stove. To make a thicker custard use a little more starch.

Frozen Custard.—Thin custard, made as directed in the preceding paragraph, may be frozen with or without the addition of fruit, fresh or canned. Serve with lady fingers, made as directed in a subsequent paragraph.

Lemon Pudding.—Take the yolks of 4 eggs, and after slightly beating them, add $\frac{3}{4}$ cup of sugar, 2 tablespoonfuls of butter, the juice and grated rind of 2 lemons. Mix 8 tablespoonfuls of potato starch in a small quantity of cold water and add gradually 1 quart of scalded milk. To this starch, water and milk add the other ingredients and cook in double boiler until

thickened, with constant stirring. Beat the whites of the 4 eggs until stiff, add to the pudding, pour into a mold and serve with cream and sugar after chilling.

Fruit Blanc Mange.—Take 1 pint of fruit juice, sweetened to taste, and place in saucepan over fire until it boils. Mix $3\frac{1}{2}$ tablespoonfuls of potato starch with small quantity of cold water, add to fruit juice, and pour into a mold for cooling. Serve with boiled custard, made as directed, or with whipped cream and sugar.

Lady Fingers.—Beat the whites of 3 eggs. When stiff and dry add gradually $\frac{1}{3}$ cup powdered sugar and continue beating. Add yolks of 2 eggs, beaten thick, and then add $\frac{1}{4}$ tablespoonful of vanilla. Then cut and fold in 4 tablespoonfuls of potato starch into which has been mixed $\frac{1}{8}$ teaspoonful of salt. To force the batter into proper shape ($4\frac{1}{2}$ inches long and 1 inch wide) use a pastry bag and tube or a cornucopia made of paper, squeezing the batter onto a tin sheet covered with unbuttered paper. Bake 8 to 10 minutes in moderate oven.

Potato Starch Angel Cake.—Beat until frothy the whites of 8 eggs, add 1 teaspoonful of cream of tartar and keep on beating until stiff and flaky. Add 1 cup of fine granulated sugar, gradually. Cut and fold in $\frac{3}{4}$ cup of

potato starch, into which has been mixed $\frac{1}{4}$ teaspoonful of salt, the combination having been sifted several times. Add $\frac{3}{4}$ teaspoonful of vanilla. Bake 45 to 50 minutes in moderate oven or in an unbuttered angel-cake pan. When cake begins to brown, after rising, cover with buttered paper. The cake should be loosened around edges and turned out at once after baking.

Potato Starch Lemon Pie.—Mix 4 tablespoonfuls potato starch and $\frac{3}{4}$ cup of sugar. Add $\frac{3}{4}$ cup of boiling water, stirring steadily. Cook for 5 minutes. Add 1 teaspoonful of butter, yolk of 2 eggs and 3 tablespoonfuls of lemon juice and the grated rind of one lemon. Pour the mixture in pie crust already cooked, and use the whites of the eggs for meringue, which should be browned in oven after applying.

Potato Starch Sponge Cake.—Take the yolks of 6 eggs. Beat until thick and lemon colored. Add 1 cup sugar gradually and keep on with beating. Add 1 tablespoonful of lemon juice, the grated rind of $\frac{1}{2}$ lemon and the whites of the eggs, beaten stiff and dry. When the whites have become mixed with the yolks cut and fold in $\frac{3}{4}$ cup of potato starch mixed with $\frac{1}{4}$ teaspoonful of salt. Bake 1 hour in slow oven, using deep, narrow pan or angel-cake pan.

FERMENTATION AND SALTING

The use of brine in preparing vegetables for winter use has much to commend it to the household. The fermentation method is in general use in Europe, and is becoming better known in this country as a means of making sauerkraut and other food products which supply acid diet, without requiring the containers used for canning. No cooking is required by this process. Salt brine is the one requirement. The product may be kept in any container that is not made of metal and is water-tight. The vital factor in preserving the material is the lactic acid which develops in fermentation. This acid has good food value. An important feature is that vegetables thus prepared may be served as they are or they may be freshened by soaking in clear water and cooked as fresh vegetables.

Sauerkraut.—The outside leaves and the core of the cabbage should be removed and the rest shredded very finely. Either summer growth or fall cabbage may be used. Immediately pack into a barrel, keg or tub, which is perfectly clean, or into an earthenware crock holding four or five gallons. The smaller containers are recommended for household use. While packing distribute salt as uniformly as possible, using 1 pound of salt to 40 pounds of cabbage. When the container is almost filled press the cabbage down as tightly as possible and apply a board cover which will go inside the holder. For this cover select wood free from pitch, such as basswood. Glazed plates make excellent covers. On top of this cover place stones or other weights (using flint or granite and avoiding the use of limestone or sandstone). These weights serve to force the brine above

the cover. Allow fermentation to proceed for 10 days or two weeks, if the room is warm. In a cellar or other cool place three to five weeks may be required. Skim off the film which forms when fermentation starts and repeat this daily if necessary to keep this film from becoming scum. When gas bubbles cease to arise the fermentation is complete. If there is scum it should be removed. As a final step pour melted paraffin over the brine until it forms a layer from $\frac{1}{4}$ to $\frac{1}{2}$ inch thick to prevent the formation of scum, if the weather is warm or the storage place is not well cooled. This is not necessary unless the kraut is to be kept a long time. The kraut may be used as soon as the bubbles cease to rise.

Sauerkraut is also prepared by the salting process. The outside leaves and hard core of the cabbage should be removed and the rest shredded very finely. Salt should be uniformly distributed during the filling process as described below at the rate of 1 pound to 4 gallons of the shredded cabbage. Line the keg or crock on the bottom and sides with the large leaves of the cabbage, put in a layer of shredded slaw three inches deep and sprinkle salt over it. Fill up the keg or crock in this way, keeping a lining of the large leaves at the sides. Pound mass down until very compact, cover with leaves and wooden cover made to fit inside of keg and then put a heavy weight on the cover, so that all the cabbage will be under the brine all the time. Set the keg or crock in a cool place for 24 hours to allow brine to form. Skim occasionally and see that there is plenty of brine. During the warm weather, the time of curing will be about 3 weeks, when the kraut will be ready for use or for canning.

To can kraut made in this way, fill jars tightly, partially tighten tops and sterilize for an hour and a half in hot water bath. After sterilization, remove jars and tighten tops and invert to cool in a place free from draught.

The kraut may be kept in the holder in which it is made by covering with melted paraffin as previously described. This should be done at the end of the 24 hours after packing.

Sauerkraut may be served at the table in several appetizing ways. It may be served raw, fried, boiled with various meats and combinations of vegetables, and baked with certain meats. It makes excellent salad.

Various other vegetables may be prepared by this process. Such greens as *spinach*, *kale* and *chard* are especially important. In applying the method to *string beans* the beans should be cut into two-inch lengths.

To prepare these vegetables for use the brine should be drained off and the vegetables soaked in clear cold water for several hours, with one or two changes of water. They may then be cooked as fresh vegetables, with at least one change of water while cooking.

To Ferment Cucumbers.—Wash them if necessary and pack them into a water-tight receptacle, such as a barrel, keg or crock which is perfectly clean. Holders made of yellow or pitch pine should not be used, as they will give an unpleasant flavor. On the bottom of the receptacle should be placed a layer of dill weed and a small quantity of mixed spices, varying with the size of the holder. Another layer of dill weed and spices should be made when the container is half full and another near the top, when the container is nearly filled. The contents should be covered with an inch layer of beet tops or grape leaves to protect them from spoilage that may occur in the surface during the process of fermentation. Place a board cover on the contents and press it down with weights of brick or stone, avoiding the use of sandstone and limestone. For the brine use 1 pound of salt to each 10 quarts of water and to this add two-thirds of a quart of vinegar. Pour into the holder enough brine to cover the contents. After allowing this mixture to stand for 24 hours make the holder air-tight. One of the most effective means of doing this is to cover the surface with very hot, melted paraffin, making a layer over the cover and around the weight. (With crocks cover the top with a cloth soaked in paraffin, putting the cover in place before the paraffin hardens). Another method for use with barrels or kegs is to pack the container as full as possible, place board cover and weights as above

and allow the contents to stand for 24 hours before putting the head of the barrel or keg in place. This allows the early gases to escape. Remove board cover and weights and place the head tightly in position. Bore an inch hole in the head and fill the holder completely with brine. Let stand until bubbling stops, adding more brine if space develops. Then plug the vent tightly.

Green Tomatoes.—The process for green tomatoes is the same as that for cucumbers.

Beets and String Beans.—Remove the strings from beans. Beets should be washed thoroughly and packed whole. Spices may be used, as with cucumbers, but these may be omitted if the vegetables are to be freshened by soaking, when they are to be used. The method is the same as with cucumbers.

Peas.—Peas should be shelled and treated as beans are prepared. Small crocks or jars are best for storing peas.

PICKLING VEGETABLES

Pickling is an important branch of home preparedness for the winter months. Instructions for some of the most commonly used methods are given herewith. In pickling, such vegetables as tomatoes and cucumbers are usually soaked over night in a brine made of 1 cup of salt and 1 gallon of water. In the morning the brine is drained off and the vegetables put through the specified pickling process. This gives a firmer product.

Green Tomato Pickle.—Take 4 quarts of green tomatoes, 4 small onions and 4 green peppers. Slice the tomatoes and onions thin. Sprinkle over them $\frac{1}{2}$ cup of salt and leave overnight in crock or enameled vessel. The next morning drain off the brine. Into a separate vessel put 1 quart of vinegar, 1 level tablespoonful each of black pepper, mustard seed, celery seed, cloves, allspice and cinnamon and $\frac{3}{4}$ cup of salt. Bring to a boil and then add the prepared tomatoes, onions and peppers. Let boil for 20 minutes. Fill jars and seal while hot.

Pickled Onions.—Take small white onions of uniform size, peel, cover with fresh water and let stand for two days, changing water at end of first 24 hours. Wash thoroughly and put into brine for four days, changing brine at end of second day. Remove from brine and place in boiling water for 10 minutes, then place in cold water for two hours. Add a few red peppers and garnish with sprigs of mace and pack into jars. Fill jars to overflowing with spiced vinegar which has stood for several days with

spice bags left in it. Place in hot water bath for 20 minutes at 180 degrees F. (simmering).

To make **spiced vinegar** take $\frac{1}{2}$ gallon vinegar, $1\frac{1}{2}$ tablespoonfuls each of mustard seed and celery seed, 1 tablespoonful each of cinnamon and salt, $\frac{1}{2}$ cup of grated horseradish and 1 cup of sugar.

Chowchow.—Take $\frac{1}{4}$ peck each of green tomatoes and small onions, 3 cauliflowers, 3 cucumbers, 6 large red peppers and $\frac{1}{4}$ peck of yellow string beans. Chop fine. Place overnight in brine made of 5 pints of water and 1 pound of salt. The next morning bring brine and vegetables to a boil for a few minutes. In separate vessel bring to a boil 1 gallon of cider vinegar, to which add a paste made with a small quantity of water, $\frac{1}{4}$ pound of ground mustard, $\frac{1}{4}$ ounce turmeric, 1 cup brown sugar and 2 tablespoonfuls flour. To this paste add $\frac{1}{2}$ ounce celery seed, place in the vinegar and boil until it begins to thicken. Drain brine from vegetables, place them in another saucepan and pour the boiling vinegar mixture over them. Mix well, fill jars and seal while hot. The chowchow should be about the consistency of thick cream. Flour may be added to thicken. Celery or cabbage may be used instead of cauliflower.

Piccalilli.—Chop up 1 peck of green tomatoes with 8 large onions. Mix thoroughly with 1 cup of salt and allow to stand overnight. The next morning drain thoroughly and pour

over them 1 quart of vinegar and half a gallon of water. After boiling for 20 minutes in an enameled kettle, drain through a sieve. Put the mixture back into the kettle and add 2 quarts of vinegar, 1 pound of sugar, $\frac{1}{2}$ pound of white mustard seed, 2 level tablespoonfuls each of ground black pepper and ground cinnamon, 1 level tablespoonful each of ground ginger, whole allspice and whole cloves and $\frac{1}{2}$ teaspoonful of ground cayenne pepper. Boil the whole 15 minutes and stir frequently. Put into jars while hot and seal immediately.

Mustard Pickle.—This is an excellent combination. The ingredients required are 1 pint of whole small cucumbers, not over $2\frac{1}{2}$ inches long, 1 pint sliced cucumbers, 1 pint small whole onions, 1 cup of string beans, 3 green sweet peppers, 3 red sweet peppers and 1 pint green fig tomatoes or 1 pint cauliflower. The vegetables should be cut before they are measured, the tomatoes into halves, the string beans into lengths of $1\frac{1}{2}$ inches and peppers should be chopped. Let the vegetables stand overnight in brine. Freshen in clear, cold water for two hours, and then allow them to stand for 15 minutes in liquor made of water and vinegar, equal parts. Then scald in the same liquor. For the mustard dressing take 1 quart of vinegar, 4 tablespoonfuls of flour, 1 cup of sugar, 3 tablespoonfuls of powdered mustard, $\frac{1}{2}$ tablespoonful of turmeric and 1 tablespoonful of celery seed. Before adding the vinegar rub all the ingredients together until smooth, add the hot vinegar slowly, stirring the mixture into a smooth paste. Cook over a pan of water, continuing to stir until the sauce thickens. Drain the vegetables thoroughly and pour the hot dressing over them, mixing well. Pack in jars that have been sterilized and allow the jars to stand in hot water bath for 20 minutes at 180 degrees F. (simmering).

Chopped Pickle.—After chopping, place in a vessel 1 gallon each of green tomatoes and cabbage, $\frac{1}{2}$ gallon of onions, 24 large green peppers and 12 large red peppers. Cover with water, add 1 pint of salt and leave overnight. The next morning place the mixture in a bag and allow to

drain for 24 hours. After draining add 1 pint of white mustard seed. Boil 1 gallon of vinegar and $1\frac{3}{4}$ pounds of brown sugar in another vessel and pour this while hot over the chopped vegetables. Cook the whole for 15 minutes, place in jars and seal while hot.

Tomato Relish.—After scalding and skinning 15 ripe tomatoes, pare, core and cut into small pieces 6 sour apples. Peel 5 onions of medium size. Chop these very fine and place the mixture in a saucepan with 3 green peppers of 1 level teaspoonful of black pepper, 2 level tablespoonfuls of salt, $\frac{1}{3}$ teaspoonful of cayenne pepper and $\frac{1}{2}$ pint of vinegar. Boil slowly for $1\frac{1}{2}$ hours. Place the relish in jars and seal while hot.

Chili Sauce.—After scalding and peeling tomatoes that are sound and red ripe, chop them into small pieces. This may be done by use of a coarse meat chopper or by pressing them through a half-inch screen. Take 36 pounds of tomatoes, 2 pounds of chopped onions and 10 ounces of ripe bullnose peppers, with stems and seeds removed. If the mixture is too mild, add a small amount of cayenne pepper. Put into a kettle of granite or enameled ware and boil down to 18 pounds. It is well to let the tomatoes stand for a while after chopping and allow some of the juice to be extracted, after which this juice should be concentrated by boiling down before the other ingredients are added. This overcomes the tendency of the tomatoes to settle on the bottom of the kettle and burn. During all the time of boiling the mixture should be stirred carefully. When the mixture has been concentrated to 18 pounds add $2\frac{1}{4}$ pounds of cider vinegar and 9 ounces of salt. Then concentrate the whole to $18\frac{1}{2}$ pounds and add 6 pounds of sugar. Boil 5 to 10 minutes over slow fire and place immediately in sterilized jars, sealing while hot. It is best to sterilize the filled jars by allowing them to stand in hot water bath for 30 minutes with water at 212 degrees F. (boiling).

Tomato Ketchup.—The tomatoes should be red ripe. Small and broken fruit or extra juice from canning may be used. The green and yellowish parts impair flavor and color and should be removed. Cook thorough-

ly and put through colander or sieve. For every gallon of pulp use 2 tablespoonfuls of salt, 4 tablespoonfuls of sugar, 1 tablespoonful *each* of powdered mustard, allspice, cloves, cinnamon and pepper, one pint of good vinegar and two small red peppers, sliced and with seeds removed. The spices should be confined in a spice

bag. After cooking 1½ hours add the vinegar and cook the whole until thick. If the cooking is rapid the color will be best, although care must be taken not to allow scorching. Pour immediately into hot sterilized bottles, insert corks tightly, and, after cooling cover stopper with sealing wax or dip the mouth of the bottle in melted paraffin.

SOME STAPLE PRODUCTS

Apple Butter.—Take five gallons of sweet or sterilized cider and boil it down one-half, skimming occasionally during boiling. Wash, pare, quarter and core apples, using them in proportion of two parts of apples to one part of boiled cider. Boil slowly for four to six hours, stirring often to prevent burning. When the butter is two-thirds done add about one pound of brown sugar to each gallon and spice to taste. If the apples are a little over-ripe add lemon or vinegar to give acid taste. Pack in sterilized containers and seal the tops tightly or cover with paper or cloth coated with paraffin.

Peanut Butter.—This is a very nutritious article of food and easily prepared in the home. A small meat grinder is all that is needed for reducing the peanuts to pulpy paste. The peanuts should be roasted before grinding. This may be done either before or after the shells are removed, using an oven only moderately hot and stirring frequently. Rub off the skins after roasting and remove the small germs or hearts. This latter may be done by screening the kernels. The grinding should be done with the finest plate on the grinder and the tension should be tightly screwed up so as to produce fine pulp. If necessary, run the pulp through the grinder a second time. Nothing more than salt need be added, although olive oil or peanut oil may be used to thin the butter if desired. If the paste-like condition of peanut butter is objectionable, beat in an equal quantity of boiling water.

This will double the bulk of the peanut butter, leaving it of the same consistency. It will be necessary in this case to add additional salt.

Gingered Pears.—The fruit chosen should be a trifle under ripe. After peeling and coring, cut the pears into thin slices. Use 6 pounds of sugar, 1 cup of water and the juice of 4 lemons for 8 pounds of pears. For flavoring use the lemon rinds, cut into narrow strips. One-eighth pound of ginger root, cut into pieces, should be added. Let the mixture simmer until it is the thickness of marmalade. Pack while hot in hot jars. Seal immediately or allow containers to stand in hot water bath for 30 minutes at simmering point, 180 degrees F.

Grape Jam.—For this purpose at least one-half of the grapes should be under ripe. After washing the fruit and removing stems, separate the pulp from the skins. The pulp should then be cooked for 10 minutes and pressed through a colander or sieve for the removal of seeds. To each quart of skins add three-quarters of a cup of water. Boil until the skins are tender and then mix pulp and skins. After bringing this mixture to a boil add a pound of sugar to each quart. Then cook, with frequent stirring, until it meets the test for jelly or reaches a temperature of 221 degrees F. The finished jam should be poured into sterilized jars. Allow jars, partially sealed, to stand in hot water bath for 30 minutes at 180 degrees F. (simmering).

VEGETABLE AND FRUIT PASTES

For use as dessert or as a garnish on creams, custards, cakes and other dishes, the various fruit pastes are desirable. They consist

of boiled-down pulp with sugar. They may be made of individual fruits or several varieties mixed. To color them, for decorative effect, add harm-

less vegetable colors in red, green or yellow. The colors are stirred into the paste while it is still boiling, after removal from the stove. If added flavoring is desired it can also be stirred in at this time. Then pour the paste in a half-inch layer on a flat dish or slab of marble or glass, first rubbing the surface with a cloth dipped in salad oil to prevent sticking. Expose to the air for a couple of days and then cut into such shape as may be desired, using a knife or small forms such as are used for cutting doughnuts or cookies. Place the cut paste on paper, sprinkle with granulated sugar and allow it to stand for two days. Then dip into crystallized sugar and pack in a wooden box, with lining of parchment paper. Place sheets of this paper between layers.

Apricot, Currant, Raspberry and Strawberry Pastes.—To each pound of fruit pulp which has been rubbed through a strainer add one pound of sugar. Cook over a slow fire until very thick. A test for thickness is to pass a spoon through the mass and see that the track of the spoon does not close up immediately.

Tomato Paste.—Cook tomato pulp in pan over boiling water until quite thick, as indicated in test for apricot and other pastes. This will require about three hours. With each quart use one sliced onion, 4 tablespoonfuls of chopped sweet red peppers or one

teaspoonful of paprika, $\frac{1}{2}$ teaspoonful of salt, 1 teaspoonful of sugar and 1 tablespoonful of mixed spices. The spices, tied in a bag, should be cooked with the pulp. Pack in small jars while hot and allow jars partially sealed to stand in hot water bath for 15 minutes at 212 degrees F.

Quince Paste.—Wipe the fruit, cut into quarters, remove core and flower and cook in water until very tender. Rub the pulp through a sieve and add $\frac{3}{4}$ pound powdered sugar for each pound of pulp. Cook until very thick. Nut kernels, scalded and chopped, may be added.

Apple Paste.—It is not necessary to use the highest grade apples. Cut the apples into quarters, remove stem, flower and core. Place immediately in cold water, to which a little salt has been added, and allow to remain until ready to cook. Boil in covered vessel and over slow fire until tender, then rub through coarse sieve. Put into kettle, adding $\frac{1}{2}$ pound powdered sugar for each pound of pulp. Cook until firm, stirring steadily.

This Manual was prepared by the Commission's experts on information obtained from Farmers' Bulletins of the United States Department of Agriculture, from Agricultural Colleges and Experiment Stations, and from other sources.

NATIONAL PRIZES FOR HOME CANNED FOOD GARDEN PRODUCTS.

As a means of further stimulating interest in Food Conservation, the National Emergency Food Garden Commission has announced that it will give \$5,000 and National Certificates of Merit as prizes for the best home canned vegetables grown in war gardens, located in villages, towns and cities. There will be 1,000 prizes of \$5.00 each. With each prize will be awarded a certificate which will serve as a permanent record of the holder's success.

For full details as to the awards write to Commission at 210-220 Maryland Building, Washington, D. C.

President Wilson Urges Food Conservation

"Every pound of vegetables properly put by for future use, every jar of fruit preserved, add that much to our insurance of victory."—President Wilson's proclamation, July 30, 1917.



After J. N. Darling in New York Tribune

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9
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THE FREEDOM OF THE SEAS

SO much has been, and is being, said and written about the freedom of the seas, especially in Germany and America, that it is worth while to consider what various meanings the phrase may bear, and what has already been done or attempted towards establishing and maintaining this freedom for the world.

The freedom of the seas obviously means the right of the peaceful merchant vessels of all nations to go to and fro upon the seas of the world, free from all perils or restrictions save those of the winds and the waves. It rests upon the doctrine of international law which asserts that, outside territorial waters, the seas are the property of no State, but equally open to all. It may be infringed in either of two ways—either by the assertion of monopoly or the imposition of restrictions by a strong naval power, or by the violence and disorder of piracy. In order to ensure it, both of these dangers must be guarded against: naval power must not be allowed to fall into hands that will abuse it; and the seas of the world must be, somehow or other, efficiently policed.

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In times of peace the freedom of the seas has been so long enjoyed by the whole world that men are apt to take it for granted; they do not consider how it came to be established, or what are the conditions necessary for its maintenance. Those who are to-day talking and writing about the freedom of the seas are thinking only of the conditions of war. Yet the freedom of the seas in times of peace is manifestly the more important aspect of the subject; and it is needful to remember how it came to be established, and to realise that it is by no means secure beyond possibility of challenge.

Four centuries ago the doctrine of international law which declares that the high seas are the common property of all nations was not accepted. On the contrary, a Papal award of 1493—at a time when the Papacy was the supreme international arbiter—practically gave a monopoly of most of the world's seas to Spain and Portugal; and for a century thereafter the ships of all nations but these voyaged at their peril in the South Atlantic, Indian and Pacific Oceans. This monopoly was overthrown by the first great victory of the English fleet, the defeat of the Spanish Armada, which threw open these oceans to the mariners not only of England but of all nations. Even then, however, the freedom of the seas was by no means established. The Dutch naval supremacy succeeded to the Spanish, and practically established a Dutch monopoly of all waters east of the straits of Malacca. This restriction upon the free movement of peaceful commerce came to an end with the victories of the English Navy over the Dutch in the seventeenth century. From that date onwards all the open seas of the world have been available for the ships of all nations. The era of freedom of the seas in time of peace is thus coincident with the era of British

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naval supremacy. It is a simple and undeniable historical fact that the British Navy has never at any period even attempted to impose a national monopoly of the use of any part of the seas of the world. But it does not follow that if another power succeeded to the British naval supremacy it would never be tempted to misuse its power.

Even when the claim of the Spaniards, and later of the Dutch, to a monopoly of the use of certain seas had been destroyed, there still remained a grave restriction upon the free movement of peaceful commerce so long as piracy was rampant, as it long remained in many parts of the world. The destruction of piracy has been mainly the work of the British Navy. It has been carried out at the expense of Britain, and, of course, primarily in the interests of British trade, but it has been equally to the advantage of other trading nations. Thus in two ways the freedom of the seas in time of peace has been the result of British naval supremacy. This is not a national boast, but a simple statement of historical fact.

Why has the British naval power never been abused to restrict the trading rights of other nations in times of peace? The question is important, because unless the causes which have prevented the abuse of British sea-power would be equally operative to prevent the abuse of sea-power in other hands, the freedom of the seas, even in time of peace, cannot be regarded as impreguably secured.

Part of the explanation is doubtless to be found in the strength of the tradition of liberty and self-government among the British peoples. This is not a uni-

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versal characteristic. A still stronger factor, during the nineteenth century, when the British naval supremacy was most unquestioned, has been the prevailing economic doctrine of the British people, according to which all restrictions on the movement of trade are in the long run harmful, and no advantage to national prosperity is to be derived from the ruin of trade-rivals who must also be customers. This economic doctrine is not held by any other nation. It led the British power not merely to abstain from the attempt to enforce a monopoly of any sea; it led it even to throw open every port which it controlled as freely to the traders of other nations as to its own.

But there is a third explanation, yet more important. Though a great naval power, Britain has never attempted, except in moments of crisis, to be a great military power. She has always known that any attempt to restrict the trade of other nations must arouse opposition, which must in the long run be fatal unless she were powerful enough to crush it. Now naval strength, while powerful for defence, is all but powerless for decisive offence, unless it is backed by very great military power. For that reason any attempt on the part of Britain to abuse her naval supremacy must lead to wars in which she would be unable to force a decision, and in which her foes must in time become more and more able to challenge her on the seas. The real safeguard of the freedom of the seas in time of peace has therefore been that naval supremacy has been in the hands of a power which did not possess a great army, and knew that it could never crush any great land-power.

If these conditions were ever reversed, it is safe to

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assume that the freedom of the seas, even in time of peace, would be again endangered, as they were when Spain was supreme at once on land and sea. If naval supremacy were to fall into the hands of any State (1) which was so formidable on land as to terrorise other powers, (2) which was not inspired by a dominating tradition of liberty, and (3) which believed in the value of commercial monopoly and the destruction or weakening of trade-rivals, we may be very sure that restrictions would frequently be imposed upon the use of some of the world's sea-going highways. This situation would arise, for example, if Germany should be completely victorious in the present war. It is true that America would remain unconquered. But America would probably not risk the perils of war (for example) to secure the free use of the Eastern Mediterranean or the Suez Canal for all the world.

The freedom of the seas, then, in times of peace, cannot be taken for granted as secure beyond all possibility of challenge. Its maintenance is dependent upon the exercise of supreme naval authority and the duty of sea-police either by a common government of the civilised world (which is still far distant), or by some power which, owing to its own position, traditions and methods, can safely be trusted not to abuse this supremacy. This is by far the most important aspect of the problem of the freedom of the seas. It is to be hoped that the civilised world will not overlook it by concentrating its attention upon the minor question of the free use of the seas in time of war.

In time of war it is, in the nature of things, inevitable that full freedom of movement on the seas should be in some degree qualified, not only for belligerents but

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for neutrals. It has been, for three centuries, one of the most vexed and difficult problems of international law to determine the limits within which freedom of movement may be restrained by belligerent action, and it must be recognised that during the course of these long arguments, Britain, as the strongest naval power, has been led to assert belligerent rights which have been widely repudiated by neutrals. But during the eighteenth and nineteenth centuries international law arrived at certain broad principles as to the rights of belligerents in war, and therefore as to the qualifications upon the freedom of the seas which might reasonably be imposed upon neutrals. Without going into technical details, these broad and generally accepted principles may be defined as follows:—

(1) A belligerent may rightfully endeavour to destroy or hamper the sea-going commerce of his enemy by seizing or sinking his ships wherever found. But in doing so he must (a) safeguard the lives of all non-combatants, and (b) respect neutral property carried on the enemy ships.

(2) A belligerent may rightfully seal up a part or the whole of his enemy's coast-line by means of a "blockade," and for this purpose may seize or destroy neutral vessels endeavouring to reach the blockaded ports. But he may only do this legitimately if his "blockade" is effective—that is, if it is carried out by a naval force so powerful as to make access to the blockaded ports manifestly impracticable except by sheer luck. Failing this, all his actions in an incomplete blockade are illegal. He may not, of course, blockade a neutral port or coast-line. But he may prevent the ingress or egress of contraband through neutral

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ports by intercepting and searching the neutral vessels which carry them. This principle was established by the United States during the Civil War.

(3) A belligerent may rightfully prevent the access of munitions of war to his enemy, and may seize any neutral ship carrying such supplies (known as "contraband"). A neutral vessel carrying contraband ought, however, always to be brought before a properly constituted prize-court, save in very exceptional circumstances. On the judgment of the prize-court not only the contraband cargo but the ship which carries it may be legally confiscated.

Such are the three main principles of international law affecting the freedom of the seas in time of war, as they have been gradually established during the last three centuries. They involve (1) that a belligerent may be absolutely deprived of the right to use the seas, whether for peaceful commerce or otherwise, if his enemy is strong enough to enforce this; and (2) that the freedom of the seas may be qualified in the case of neutrals in two well-defined ways: (a) their ships may be absolutely excluded from enemy ports on pain of confiscation or destruction, by means of a blockade, provided that the blockade is really effective; and (b) their ships may be confiscated or destroyed if they attempt to carry "contraband" to a belligerent. But these restrictions are subject to two definite provisos. First, neutral lives must in no case be taken; and secondly, neutral property must be absolutely respected except where it is contraband destined for the enemy, or where it is endeavouring to run an effective blockade.

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These restrictions obviously impair in a serious degree the freedom of the seas in time of war, especially during a war between great trading states. Accordingly, during the present century, a serious effort has been made to reduce this restriction, and to increase the freedom of the seas even in time of war. It was at the Hague Conference of 1907 and the subsequent Naval Conference of London in 1909 that these attempts were most systematically developed, mainly on the motion of Britain. The subject was found to be extremely difficult, and a great variety of opinions emerged. But we may broadly distinguish three main points of view in these discussions, the British, the German, and the American. The British aim was to reduce the restrictions upon neutral trade to the maximum possible extent consistent with the maintenance of the chief offensive weapon of a naval power—the weapon of attack against the trade of its enemy. The German aim was, as far as possible, to disarm the stronger naval power while leaving to the weaker naval power every weapon of offence or defence, without regard to the rights of neutrals. The American aim was to abolish all restrictions upon sea-going trade, belligerent and neutral alike, in time of war, save only the carriage of contraband; thus depriving sea-power of its chief weapon of offence. Each of these three programmes was in effect advocated as a means of enlarging the freedom of the seas, and thus this phrase came to bear very different interpretations. It is worth while to consider the rival proposals, and their probable effects; though none of them was completely successful.

One of the reasons for a reconsideration of the rules of naval warfare at this date was the introduction of a new naval weapon, the automatic mine, which ex-

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plodes on contact—first used on a large scale during the Russo-Japanese war. The drawback of the automatic mine is that it cannot (unlike the gun or the torpedo) discriminate between a legitimate or an illegitimate victim, between a belligerent and a neutral. Its introduction, therefore, formed a grave peril to neutrals, and would, if it were employed without restriction, seriously impair such freedom of the seas as remained to them. How did the rival views deal with this question?

Britain proposed that all mines should be illegal; or, if this could not be accepted, that they should never be laid in the open sea, but only in the territorial waters of the belligerents—in home waters for defence, in enemy waters for offence; that they should never be laid except in the waters facing naval ports, so as to leave trading ports open to neutral ships except when formally blockaded; and that they should be so constructed as to become harmless if they were swept from their moorings. Unanchored mines, she proposed, should be entirely prohibited; or, if licensed as a means of defence, to be thrown out by a retreating fleet, they should be so constructed as to become harmless an hour after being released. If these proposals had been accepted, they would have formed a very material safeguard for the freedom of the seas, and neutral ships would have been saved from a deadly peril against which no precautions are possible. Apart from the traditional restrictions of blockade and contraband, the seas would have remained safe and free everywhere except in the neighbourhood of the naval ports of belligerents. But Germany would have none of these restrictions. She insisted upon the right of laying mines in the open sea, though she accepted

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the rules (which she has since disregarded) that anchored mines should be constructed so as to become harmless when released, that unanchored mines should have only a short life of mischief, and that minefields should be notified to all trading countries. She thus insisted upon a serious restriction of the freedom of the seas in time of war. Her motive was obvious. She desired to use the mine against the naval and mercantile shipping of the stronger naval power, and she was indifferent as to the effect upon neutrals. In this question America took little interest, but on the whole supported Britain. So far as this question was concerned, Britain was the strongest advocate of the freedom of the seas. It may be said that British interests demanded the maximum degree of freedom for peaceful trade, and no doubt that is so. But a power whose supreme interest it is that other powers should be free to use the seas can scarcely be described as the enemy of the freedom of the seas!

Britain also put forward some further proposals, designed in the interest of neutrals. In the first place she proposed that the destruction of neutral vessels should be absolutely prohibited under all circumstances; even when they were carrying contraband, and their captors were not in a position to bring them into port, they must not be destroyed; if they could not be brought before a properly constituted prize-court, they must be released. This had, in fact, been the British rule for 200 years; a rule enforced by her own prize-courts. How great a safeguard it would have been for neutral freedom to use the seas, the experience of this war may testify. But Germany would have none of this restriction. She insisted upon the right of destruction in the case of neutral ships carrying con-

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traband, without waiting for a prize-court to determine the legitimacy of the captor's decision. Here again Britain was the advocate, Germany the enemy, of freedom of the seas for neutrals in time of war.

In the second place Britain proposed the total abolition of contraband, mainly because in modern warfare it is practically impossible to decide what are and what are not munitions of war. The result of this proposal, had it been adopted, would have been that neutral vessels would have been absolutely safe from confiscation, as well as from destruction, in all cases except where they attempted to force an "effective" blockade. Even if they were engaged exclusively in carrying on trade for the enemy, they might lose the enemy cargoes, by the decision of a prize-court, but their ships would be safe. Germany showed herself as hostile to this restriction as to the others. She insisted upon the maintenance of contraband, that is to say, upon the maintenance of a pretext for destroying neutral vessels, and received here the support of America. Once more Britain was the advocate, Germany the enemy, of the removal of restrictions on neutral trade in time of war.

If the British proposals had been accepted (and observed) there can be no doubt that neutrals would have profited enormously. The seas would have been freed of the perils of mines. Neutral ships could have traded uninterruptedly with belligerent ports, except where these were blockaded by an irresistible force. They could have carried on trade for the belligerents without any risk save that of the seizure of the enemy goods they carried. In all cases save blockade their ships would have been exempt from seizure. In all cases whatsoever the lives and property of their crews

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and their passengers would have been safeguarded against all risks except the ordinary dangers of the sea. On the other hand the traffic of belligerents would have been liable to seizure or interruption, subject only to the provision of full safeguards for the lives of non-combatants. Such was the British view of the freedom of the seas in time of war. It marked an immense advance on anything earlier proposed.

The German view of freedom of the seas in time of war was that a belligerent should have the right to make the seas dangerous to neutrals and enemies alike by the use of indiscriminating mines; and that neutral vessels should be liable to destruction or seizure without appeal to any judicial tribunal if in the opinion of the commander of a belligerent war-vessel any part of their cargo consisted of contraband. On the other hand, Germany was very ready to place belligerent vessels on the same footing as neutral vessels, and to forbid their seizure or destruction except when they were carrying contraband or endeavouring to force a blockade. In this way she hoped to deprive the stronger naval power of its principal weapon of offence—the attack upon enemy commerce—while preserving for the weaker naval power every possible means of doing harm alike to enemy or neutral ships. At the same time she was anxious to secure to belligerent merchant-ships the right of transforming themselves into war-ships on the high seas. Thus a belligerent merchant-ship might sally forth as a peaceful trader, under the protection of the “freedom of the seas,” and, so long as it carried no contraband, be safe from interruption from the enemy; then, picking up guns in a neutral port, it might begin to sink enemy or neutral ships which, according to the judgment of its captain, were

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declared to be carrying contraband; and this without reference to any court of law. Such was—and is—the German doctrine of freedom of the seas.

The American doctrine was simpler, bolder and more honest; and it is fair to say that it has been consistently maintained by American publicists ever since 1783. It was that all private property, whether ships or cargoes, and whether enemy or belligerent, should be exempt from seizure or destruction; but that goods destined for a belligerent government should (if contraband, as such goods practically always are) be liable to seizure and confiscation. How governments are to be prevented from importing goods under the names of individuals, we are not told. This is the American doctrine of freedom of the seas, which has been preached so ardently by President Wilson. It is the doctrine of a highly individualistic people, who draw a sharp distinction between the rights of the individual and the rights of the State, whether in peace or war. If it were established and enforced, the result would be to leave neutral shipping, in certain cases, liable to destruction or confiscation, but also to deprive sea-power, in effect, of its principal offensive weapon, the attack upon enemy commerce. On that ground Germany was willing to accept it (for the time being, at any rate), provided that the weaker naval power were at the same time left in possession of every possible means of doing mischief to enemy and neutral shipping, by confiscating or destroying ships, without judicial decision, on the plea that they were carrying contraband, and by making the sea perilous with mines.

Here, then, three sharply contrasted views of the freedom of the seas were presented, in 1907. They still

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stood in clear antithesis at the date of the Declaration of London in 1909. Some advance towards the American view was made at that conference; with the result that the British Parliament refused to ratify it, on the ground that it stripped sea-power of an indispensable weapon. An attempt was also made, in the same document, to define "contraband" by making a list of contraband articles. But this was bound to be unsatisfactory under modern conditions, as is shown by the fact that cotton—a principal ingredient in explosives—was actually put upon the non-contraband list.

When the Great War opened, no one of the three rival views had triumphed. Despite the efforts of America and Germany, all belligerent trade was liable to interruption. Despite the efforts of Britain, neutral ships were liable to destruction without a judicial decision, and were exposed to the danger of mines.

During the course of the war the question has been deeply affected by the actions of both sides, and by the way in which neutrals have received these actions. But the greatest innovator has been Germany. (1) By declaring a blockade of the British Islands in spite of the fact that thousands of ships in a week were able to reach British ports she has asserted the right to dispense with "effectiveness" in a blockade, and has therefore enormously increased the risks to which neutrals are exposed. There has been no effective protest against this claim. (2) She has asserted the right to sow unanchored mines indiscriminately over the seas in spite of her own definite pledges. There has been no serious opposition by Neutrals to this claim. (3) She has asserted the right to destroy neutral vessels carrying contraband without judicial decisions not merely as a rare and exceptional

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measure, but as a normal measure. No effective protest has been made against this claim. (4) She has claimed that the obligation of safeguarding non-combatant lives is adequately met by leaving men, women and children in open boats, in stormy seas, and far from land; a practice hitherto unknown. Only the feeblest protest has been made against this claim, and it has been allowed to go by default. (5) She has asserted the right to slay enemy non-combatants at sight. Practically no protest has been made against this claim, except on the ground that neutral non-combatants may happen to be among the rest. (6) She has asserted the right to destroy all neutral property in enemy vessels without compensation. No protest has been made against this claim. (7) She has asserted, finally, the right to destroy at sight all shipping, enemy or neutral, which ventures to traverse any areas of the world's seas which she chooses to indicate, including some of the most frequented highways of sea-going trade, and to take the lives of all their crews and passengers. Against this there have been strong verbal protests, and one neutral power has gone so far as to sever diplomatic relations. By these means Germany claims to be establishing the freedom of the seas.

On the other hand, Britain and her allies have also introduced certain innovations. They have introduced what may be described as "blockade-at-a-distance," a thing unknown in earlier usage, but rendered necessary by the submarine. It cannot be denied that this blockade has been "effective." They have asserted the right to bring neutral vessels into harbour to be searched for enemy goods, and against this practice (which does not endanger neutral life or property) there have been strong protests, on the ground of the delay which it causes.

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They have also proclaimed the intention of preventing the ingress and egress of all goods to or from enemy countries, whether through enemy or neutral ports, whether in enemy or neutral ships, and whether "contraband" or not. For this the practice of the American Civil War presents an admitted though partial precedent, so far as concerns the interception of contraband consigned to neutral ports but destined for the enemy. But this precedent does not cover the prohibition of the import or export of *all* goods of whatever character. This prohibition amounts to a new definition of contraband, according to which it would be, not the character of the goods, but their source or their destination, which would make them illegal. This, in itself, would prove a very grave interference with the old principle of maritime law. But it ought to be noted that the Allies have not based their action upon a claim of right. Their new method was not adopted until, in the first submarine campaign (February, 1915), Germany had undertaken a campaign of mere ruthless destruction, disregarding every restriction imposed by international law. The new policy of the Allies, announced in March, 1915, was definitely put forward as an act of reprisal for this lawless German policy. On the other hand, the Allies have never taken or endangered the life of any neutral citizen. They have never sown unanchored mines on the high seas. They have never killed belligerent non-combatants at sea. They have never destroyed neutral property, nor confiscated it, except when it was contraband, and then only on the decision of a properly constituted prize-court. They have in no way interfered with the movement of neutral commerce, except with the enemy. There can be little doubt which of these rival extensions of belligerent rights is the more hostile to any

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real interpretation of the freedom of the seas. Yet Britain and her allies do not employ this elusive phrase as it is employed by their adversaries.

What will happen to the freedom of the seas after the war? If Germany wins, it may be established in the German sense: that is, belligerent commerce may be made as free as neutral commerce, both being left open to very great restrictions and dangers; but if the German victory is complete, and she becomes supreme on sea as on land, she is not unlikely to forget her interest in this cry, and to use her power to restrain the free movement of commerce in peace as well as in war. Of one thing, however, we may be sure: so long as the military spirit continues to dominate Germany, her action will be governed solely by considerations affecting her own military interests---which are not identical with the interests of neutrals.

If the Allies win, it is likely that what we have called the British interpretation of freedom of the seas will be established; that is to say, neutrals will be safeguarded as far as is possible consistently with the maintenance of the chief weapon of a naval power, the right of attack upon enemy commerce.

As for the American view, which draws no distinction between enemy commerce and neutral commerce, but only between private property and State property, it is unlikely to be adopted unless America is able to dictate the terms of peace. And there are two reasons for hoping that it will not be adopted, in the interest of the freedom of the seas itself---the freedom of the seas in times of peace as well as of war. The first is, that it would lend itself to grave disputes and to graver abuses.

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Imagine the controversies that would arise on the question whether cargoes which would be contraband if consigned to a government, are or are not bona fide the property of individuals. On that question wars might easily arise. Imagine, again, the opportunities which would be afforded to an unscrupulous belligerent of sending out swarms of vessels in the guise of trading vessels, and then transforming them into commerce-raiders, preying indifferently on enemy and neutral. A mere prohibition in international law would be quite ineffective to prevent this abuse: it would only prove an additional trap for honourable powers, as so many of the existing provisions have proved to be.

But there is a still stronger reason against the American doctrine. In modern times every threat to the liberty of free nations has come from a great land-power. In every case it has been broken against the resistance of sea-power, which is by itself unable to threaten the existence of any State, but it is very strong for defence. To disarm sea-power while leaving land-power in possession of all its weapons of offence, as the American doctrine would do, would not merely be an injustice to the powers which depend upon sea-power, but would be a positive danger to the liberties of the world. Sea-power must not be disarmed unless and until land-power is equally effectually disarmed. And this will not be until the danger of war has been practically brought to an end. Complete freedom of the seas in time of war is therefore an impossible ideal, because it cannot be justly or safely established until the danger of war itself has been conjured away.

R. M.

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By

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The Justice of Rumania's Cause.

The moral significance of Rumania's intervention in the great war has probably been understood less fully than any other important event which has taken place since August 1914. Even among Rumania's allies, welcome as Rumania's help was to them, and well disposed as they were to give her their help in return, there was lacking adequate knowledge of the vital issues for democracy and freedom at stake in Rumanian lands. Among countries then neutral there was probably even less understanding of the questions at issue. For instance, in one of the foremost papers of the Anglo-Saxon world we find the following passage:—

“In at least two minor respects they [the terms enunciated in the Allies' Note to President Wilson] are wholly immoral, in that they contemplate the seizure of territory that never belonged to Italy or Roumania in order to pay the bribes that these two eminently sordid Governments exacted as their price for entering the war.”

(*New York World*, Jan. 12.)

“Wholly immoral”; “never belonged to Rumania”; “these eminently sordid Governments”; “their price for entering the war”—let us analyse shortly the justice of these remarks in the light of the history of the

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Rumanian race, of Rumania's position to-day and of her future prospects.

THE HISTORICAL RIGHTS AND WRONGS OF THE RUMANIAN RACE.

What is "Rumania"? Who are the "Rumanians"? So many false and misleading statements have been made by partisan writers about the origins and constitution of the Rumanian race, so often a purely arbitrary and restricted meaning is given to the term "Rumania," that it is worth while to point out clearly the full and proper signification of the two names. Modern "Rumania" is a term of barely 70 years' usage. Formed by the union of the two principalities of Wallachia and Moldavia, in 1859, the kingdom of Rumania includes only a part of the Rumanian race. Over a million Rumans live in the old Moldavian, since 1812 Russian, province of Bessarabia. A quarter of a million inhabit Bukovina, which the Habsburg Empress seized in 1775. Small fragments of the race are to be found in N.E. Serbia, in S.W. Macedonia, and Thessaly. But by far the greater part of "unredeemed" Rumania is still governed by the Hungarian Crown. Hungarian official statistics (1910) give the number of Rumans in Hungary as 2,949,032. This is a minimum estimate. Hungarian census estimates are notoriously "touched up." Rumanian writers show good grounds for the belief that there

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are at least 3,935,120 Rumanians in Hungary, and probably considerably more than 4,000,000. Moreover, these Rumanians mostly live in a compact mass in contact with the Rumanian kingdom. According to the Hungarian census of 1910 more than five-sixths of the Rumanian population of Hungary lived either in Transylvania—of the 15 Transylvanian counties, eight had a Rumanian majority of 64 to 89 per cent., four a substantial minority of from 35 to 48 per cent., while three (Udvarhely, Csík and Háromszék) were purely Szekler (Magyar)—or in the four adjoining counties of Krassó-Szörény (72·1 per cent.), Szilágy (59·1 per cent.), Arad (57·81 per cent.), and Temes (34 per cent.). Rumania “beyond the Carpathians” is, therefore, a compact country, geographically united with the kingdom.

Unable to deny, while they seek to minimise, the Rumanian majority in Transylvania and the adjoining counties, Hungarian and other anti-Rumanian controversial writers fall back on two main lines of argument:—(1) That the Rumanians are intruders of much later date than the Magyars. (2) That there is no “irredentist” problem, and that the non-Magyar nationalities have no reason or wish to be separated from Hungary. The first is a much less important point than the second, and can be more quickly dismissed.

To us modern Europeans and Americans it appears a matter of little import what nation

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has medieval or earlier history on its side in claiming certain territories. But Hungarian writers have laid great stress on the fact that their occupation of Transilvania, the Banat, &c., preceded that of the "Vlach" (or Ruman) population by three or four centuries. There are little or no contemporary records extant, and we are forced to speculate from such evidence as we have. All that is known for certain is that the Magyars did not begin to occupy Transilvania till the 10th century. In the 12th century began the systematic introduction by the Hungarian kings of the Saxon colonists who built up the prosperous communities of Siebenbürgen (Kronstadt, Hermannstadt, Klausenburg, &c.). According to Hungarian contentions, "Vlach shepherds" only began to filter into Transilvania during the Middle Ages (14th and 15th centuries), and are thus "intruders" in Magyar lands. Such a contention, however, does not explain who were the pre-Magyar inhabitants of the province of whose existence, side by side with the invaders, there are plentiful indications. It does not explain the great number of place names of Rumanian origin. Finally, on this theory, it is quite inexplicable how, in spite of oppression and suppression for centuries, the Rumans of Hungary should now be in a great majority in Transilvania and the adjoining counties.

Neither Magyars nor Saxons make nor can make any claim to have been in Transilvania

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before the 10th century. Rightly or wrongly, the Rumans do make this claim very emphatically. Ethnological and linguistic evidence supports the theory that they are in the main a blend of two races—the original Dacian people of Transilvania and Wallachia, whom Trajan conquered at the beginning of the 2nd century, and the Romans and Romanised Thracians and Illyrians who were partly settled there by the Roman emperors as colonists, but to a still larger extent drifted in as traders and settlers. The sole criterion of nationality worth respecting is that of consciousness of a certain origin and tradition. This the Rumans of Hungary possess very strongly. The old Roman names—Traian, Aurelian, Octavian, Titu, Valeriu, Severin, &c.—are frequent amongst them. Almost equal respect is paid to their Dacian ancestry. In his tragedy, “Ovidiu” [the poet Ovid, who was banished to and died at Tomi, near Constantza], the great Rumanian poet, Vasile Alecsandri, insists that Dacia was a worthy foe even for Rome. If history and historical consciousness are appealed to, there is everything to be said for the Rumanian and very little for the Magyar claim.

But let us turn from such academic arguments to contemporary facts. We have seen that in Transilvania and the adjoining counties of Hungary the Rumans form a great majority of the population. During the many centuries of Hungarian rule this majority has been systematically ill-treated and denied its rights. In the princi-

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pality of Transilvania—both in its medieval and its Turkish (1526–1691) period—the Ruman population was denied the civil and religious privileges granted to the dominant Magyar and German population. When in 1691 the Habsburg succeeded the Turk as the suzerain of Transilvania, the Emperor Leopold I granted the principality a diploma guaranteeing the continuance of its distinctive privileges. No proper provision was made, however, to safeguard the Rumanian majority, and the result was growing unrest throughout the 18th century, culminating in the peasant revolt led by Horea in 1784 and the petition called “*Supplex Libellus Valachorum*” laid before the Emperor Leopold II in 1791. Maria Theresa and her sons—Joseph II and Leopold II—were on the whole benevolently disposed to their Rumanian subjects, but they encountered every hindrance to reform in the close corporation of three “nations”—Magyars, Szeklers (racially one with the Magyars), and Germans—who composed the Transilvanian Diet. It was their opposition which prevented Joseph II from raising the Rumanian “nation” to the same status. But there was worse in store. The year 1848 with its universal movement of revolt inspired the Rumans to a great national demonstration at Blaj (Blasendorf). In no sense anti-dynastic, this assembly demanded for the Rumans equal rights with the other “nations” of Transilvania. The Magyars took alarm. The Hungarian Diet had already earlier in the year voted

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at Pressburg the union of Transylvania with Hungary. The Transylvanian Diet was forced by the predominant Magyar element to do likewise, and the Ruman population had no means except by the demonstration just mentioned to record their protest. The Magyar insurrection and its suppression the following year annulled the Act of Union. For a decade, old conditions returned. At last, in 1863, the Transylvanian Diet agreed to the recognition of the Ruman as a "nation." But two years later the same Diet, under extreme pressure from Budapest, overrode the protests of the Saxon and Rumanian representatives and voted union with Hungary. After his defeat by Prussia, Francis Joseph was compelled to agree to this as to other Hungarian demands, and in 1867 the Hungarian Parliament legalised and regulated the union.

The half-century which followed has seen Transylvania under purely Magyar rule. It is true the great Hungarian statesmen, Eötvös and Deák, had favoured a policy of conciliation of the other nationalities, and the Nationalities Law of 1868 provided glowing promises of the fair treatment of the non-Magyar nationalities. Unfortunately most of its promises have been ignored or deliberately broken. Hungarian has not only been made the official language, but is forced on Rumanian schools and churches. The Ruman can secure no teaching of their own language in the State schools, which they are generally obliged to support, and can only keep their language alive

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by maintaining additional Church schools at their own expense. Even these schools the Hungarian Government, especially since Count Apponyi's education laws of 1907, has been engaged in Magyarising. Hardly a voice has been raised among the Magyars in favour of a fairer and saner policy, and in the Hungarian Parliament repeated and unanimous demands have been made for the enforcement of a ruthless policy of Magyarisation in defiance of even the limited privileges accorded the Rumanians by the law of 1868.

Politically, the Rumanians have been almost unrepresented. They have not even enjoyed the restricted franchise accorded to the Magyar population, and the franchise is especially narrow in Transilvania. In Rumanian districts the electoral boundaries are drawn in such a way as to diminish as far as possible the weight of the Rumanian vote. The Rumanian elector finds in many cases that the polls are almost inaccessible to him. Not content with this the Hungarian authorities have resorted to every method of terrorisation and corruption—methods exemplified to the full in the last general elections of 1910,* at which the Hungarian Government pleaded that it “only” employed 194 battalions of infantry and 114 squadrons of cavalry. Cynics may congratulate the Budapest authorities on the decisive victory obtained with these “small”

* Fully described in R. W. Seton-Watson's “Corruption and Reform in Hungary.”

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forces; for only eight representatives of non-Magyar nationality were returned to the House of [413] Representatives, although—according to the Hungarian census of that year there were only 10,050,575 Magyars in Hungary out of a total population [excluding Croatia and Slavonia] of 18,217,918. Exactly *five* members of the Rumanian National Party (and *two* other non-Nationalist Rumanians) were returned, though on a proportional basis there should be at least *sixty-nine* [and as the Hungarian census returns are certainly falsified, nearer *eighty*]. What would the world say if the British Government only allowed *four* Irish Home Rulers instead of eighty-five to sit in the House of Commons? Yet the Rumans form between a sixth and a fifth of the total population of Hungary, whereas the Irish (including Ulster Unionists) are about a tenth of the total population of the British Isles.

The Rumanian National Party has had to face many storms of persecution. Founded in 1881, it from the first pleaded for equal and democratic treatment of all Hungarian subjects, for the execution of existing laws, the use of the Rumanian language in Rumanian districts, the restoration of autonomy to Transilvania, and the introduction if possible of manhood suffrage. Failing to obtain any hearing for their cause, the party in 1892 attempted to petition King Francis Joseph directly. The Hungarian Premier prevented them from obtaining access to the Throne, and the publication of the petition brought down

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on the heads of the authors a long array of sentences of imprisonment. Undeterred by persecution, the Rumanian Nationalists have continued their struggle for fair and equal treatment. In 1906 they secured the return of 14 members to the Hungarian House of Representatives, but four years later the Magyar authorities saw to it that the numbers were reduced by corruption and intimidation to five. Meanwhile the Rumanian press was systematically threatened, suppressed and sentenced. Between 1884 and 1894 there were at least 40 trials of editors and journalists. Almost every paper in turn has been suppressed. Since 1914 the régime of terrorisation has been intensified. Papers like *Românul* and *Poporul român* of Arad, and at least eight other papers which supported the national claims, were suppressed between August 1, 1914, and May 21, 1916. Others, like *Gazeta Transilvaniei*, have been taken over and used by the Hungarian Government. A long list could be given of Transilvanian journalists, writers, and professional men who have taken refuge in the kingdom of Rumania—headed by the poet and dramatist, Octavian Goga, who in one of his plays, "Domnul Notar," has admirably shown up the way elections are conducted or misconducted in Hungary. Rumania is at present full of Transilvanian refugees, priests, professors, journalists and other well-educated men who have given up in despair any hope of securing justice and recognition of their rights in Hungary. General Dragalina, who

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commanded the Rumanian First Army at the battle of Târgul-Jiu last October, but was killed ere the victory was won, was a Rumanian from the Banat, trained in the Austro-Hungarian Army. Since 1914 the policy of the Magyar Government has become increasingly intransigent. Freedom of speech and action has ceased to exist. The Rumans have lost enormous numbers fighting in Galicia, in Russia, on the Isonzo. So the Magyars hope to "settle" the Rumanian Question by extermination of the Rumans. Last August the Hungarian Government forced the Rumanian Orthodox Church to elect as its new Metropolitan a certain Vasile Mangra, who abandoned some years ago his national principles for the hope—soon realised—of preferment. Professions of loyalty are being extorted from the Rumanian clergy, teachers and parliamentary representatives, who are compelled to forswear their principles in order to protect their fellow-Rumans' lives and property. Recent debates in the Hungarian House of Representatives have, however, given the lie to these professions. In reply to interpellations the Hungarian Minister of Justice, Balogh, admitted that a great part of the Ruman population had "traitorously" helped the invading Rumanian armies. Balogh promised severe punishment of these offences. Already 1,000 sentences of imprisonment and 600 of confiscation of property have been inflicted (*Pester Lloyd*, March 10th). *Pesti Napló* recently announced the formation of a new and more docile

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Rumanian party under Mangra! *Pesti Hirlap*, of February 14th, coolly informs the Rumans of Hungary that they are not a nationality, but merely Ruman-Magyars, and henceforth must all learn Magyar. So much for the Law of Nationalities of 1868!

RUMANIA AND THE CAUSE OF DEMOCRACY AND FREEDOM.

We have seen that there are few better instances of a clear-cut issue between right and wrong, justice and injustice, oligarchic tyranny and democratic aspirations, than between the Magyar rulers and the Ruman oppressed subjects of Eastern Hungary. For decades their liberation has been the dream and hope of their brethren in the Rumanian kingdom. King Charles had hoped to attain their emancipation by friendly agreement with Hungary and Prussia. But his long reign (1866-1914) coincided with the increasing and unabashed persecution of the Rumans of Hungary. The hope of peaceful settlement gradually melted away and every Rumanian was beginning to realise that sooner or later freedom must be won by the sword. The European War offered at last an opportunity which could not be lost. For two years Rumania was forced to wait—not in order, as has been ignorantly stated, to “rush to the succour of the victors”—but for the moment when, her own military arrangements improved, she could shed the blood of

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her sons with *some* hope, though at frightful risk, of delivering her oppressed brethren. Even August 1916 was, as events have proved, too soon. But Rumania has at least played the heroic part of facing great risks and enduring great suffering for an ideal—the union of the Rumanian race and the cause of democratic progress and national freedom.

For the issues at stake were not merely Transylvania, the Banat, Bukovina. With the question of liberating the Rumans of Austria-Hungary and uniting them in a "Great Rumania" was bound up the future of democracy and freedom in Rumania itself. As we have seen, the Rumans of Hungary are socially and politically democrats. They are hard-working, intelligent and keenly alive to and eager for the progress of education and self-governing institutions, for the maintenance of which they have had to pay in money and tears. They are dour because they have had to fight a dominant race, and thrifty because only by thrift could they meet the double charges laid on them by the State and voluntarily undertaken by themselves to maintain their own churches and schools. Their incorporation in the kingdom of Rumania must be—and the fact is universally admitted—a great asset for the cause of progress and democracy.

Political and social conditions in Rumania to-day are by no means perfect, and there are few Rumanians who would not frankly admit the fact. Rumania is politically a very young

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country. The medieval State, in which under Turkish suzerainty the two Principalities of Wallachia and Moldavia had remained up till 1830, offered little chance of political education to the bulk of the Rumanian people. The country was ruled, in consultation with two Divans of *boeri* (great landed proprietors), by princes nominated by the Porte for seven years. From 1711-1821 these princes were generally of Constantinopolitan Greek extraction. Many of them were honest and well-intentioned, but the system automatically produced widespread corruption and unjust exploitation of the native inhabitants. Greek ecclesiastical foundations held a great part of the land, and the rest was the property of *boeri*, who held the peasant in a state of villenage, working for them so many days of the year in return for the right to enjoy a small percentage of what was produced. These peasants had no political rights. The revolution of 1848 introduced a new atmosphere of democracy, but the peasants were too uneducated to take advantage of the moment. It was Alexander Cuza, first prince of the United Principalities (1859-1866), who took the first practical steps to alleviate their lot. By arbitrary means he forced on an apathetic legislature laws reforming the land, franchise, and education questions. The Church was largely de-Hellenised and to a large extent expropriated, schools were introduced, and a measure of manhood suffrage was carried. Most important of all, a considerable portion of land

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was given over to the peasants to hold in their own right. To save them from the clutches of usurers and land-grabbers they were forbidden by law to alienate their properties for 50 years. The period was up in 1914, but the European War has temporarily lengthened it.

Out-and-out Liberals have always felt that these reforms were not enough. To begin with, though the suffrage was universal it was not equal. Voters were divided into three colleges on a basis of wealth and education, and illiterate peasants were only allowed to vote through representatives of each village commune. The great peasant population of the country had therefore no adequate means of making its voice heard. Wise and good ruler as the late King Charles was, he inherited from his Prussian blood and upbringing an instinctive dread of democracy, and of the rule of the uneducated masses, and found in the three-college system a parallel to the far more antiquated and less justified three-class system of Prussia. Again the peasants had a legitimate grievance over the land question. As population increased, the land grants of 1864 became more and more strikingly inadequate, and the unrest found expression in the peasants' revolts of 1888 and 1907. It was generally recognised that the situation must be taken in hand before long, but party politics and vested interests postponed a thorough settlement. Only the imminence of intervention in the war prevented a full discussion of the question in the

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parliamentary session of 1916. The war has, however, shown that anomalies that might once be excused can no longer be tolerated. Not only Liberals and Conservative Democrats, but even patriotic Conservatives like the late Nicolae Filipescu assented to the future introduction of equal suffrage, for he knew that with it was bound up the Transilvanian question. On December 22nd last, when the Rumanian Parliament met in Iashi (Jassy), the King emphasised the fact in his speech.

“The peasants should know that they are fighting for national unity in a battle for political and economic freedom. Their valour gives them still stronger rights to the soil they have been defending, and imposes on us more strongly than ever the duty of carrying through when the war is over the agrarian and electoral reforms on the basis of which this representative assembly was elected.” In an address to his troops early in April, the King reaffirmed the promise of “the grant of land and political rights.”

With agrarian and franchise reform is bound up the Jewish question. There are to-day something like 300,000 Jews in Rumania, for the most part in Moldavia. They immigrated there in two big waves—after the Polish partitions (1772–1795) and after the Treaty of Adrianople (1829). Keenly alive to commercial and industrial undertakings, they soon absorbed most of the trade of the principality. Their higher level of education and business talent qualified them to control

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the whole economic life of the country. Add to this that their natural language was German, or Yiddish, and it will be understood that even quite fair-minded Rumanians might well dread and seek to thwart their triumphal progress. The Jews have accordingly been hampered and hindered in their civic life. While they have to serve in the army, they could not obtain commissioned rank in it—an unjustifiable disability to which Jews in the Prussian army are also subjected. They were prevented from entering the legal profession or obtaining any Government post. Heavy restrictions were placed on their residence in the country villages, where formerly they had owned the inns and taverns and acted as middlemen and moneylenders. Above all, in spite of the stipulations of the Treaty of Berlin, the Rumanian Government refused to facilitate for Jews the acquisition of citizenship. They could only be naturalised individually by Act of the Rumanian Parliament—a difficult and invidious distinction. Patriotic Rumanian Jews have rightly resented these disabilities. Moderate and thoughtful Rumanian opinion is on their side. There is not the faintest doubt that agrarian and franchise reform will be followed by relief for the Jews. The Iashi correspondent of the *London Morning Post* (April 7) learns “from an authoritative Rumanian source that the Iashi Government proposes to grant full political and civil rights to the Jews.” Rumanian Jews have shed their blood side by side with

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their Christian fellow-countrymen in this war. The Jews of Hungary, whom the Magyars for political reasons have always favoured, must find equal treatment for themselves and their co-racials in the new kingdom of Great Rumania. With the extension of the franchise there will no longer be a danger of the Jewish vote exercising an undue influence, and Rumanian Jews will have a splendid chance of building up the temporarily shattered prosperity of the country. The Rumanian peasant is naturally the most tolerant of men. In Rumania and Rumanian-Hungary Orthodox, Uniat, Roman Catholic, Lutheran, Calvinist, Jew, Armenian, Gipsy, Tatar, Turk live contentedly side by side. Moldavia and Dobrogea have served as havens of refuge for the various heretics—Skoptsy and Molokany and other such fanatics—who have in the past found life in the Russian Empire intolerable. Impartial observers—including Jewish observers—have admitted the innate tolerance of the Rumanian peasant. Anti-Jewish legislation in the past has been due pre-eminently to social and political reasons which will no longer obtain in an enlarged and democratised Rumania. The Jew will be admitted to the full privileges of the Rumanian citizen. In return the Rumanian Jews will find it both their privilege and their duty to identify their interests still more fully with those of the country, and rebut for ever natural, if largely unjustified, charges that they are in sympathy

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with Germany rather than with their Rumanian fatherland.

RUMANIA'S INTERNATIONAL POSITION.

The defects in the constitutional and social condition of contemporary Rumania, to which we have alluded, are the defects not of a decadent but of an immature political community. Like Russia, Rumania has not yet fully entered into the European heritage of which barbarian tyranny and lack of connection with the Latin and Anglo-Saxon worlds have so long deprived her. It is a frequent accusation of the press of the Central Powers against Rumania that she is a thoroughly decadent and disunited Power. (It is interesting to remember that down to 1913 German writers were accustomed to point with pride to Rumania as a splendidly organised State on the Prussian model, with its large German community and flourishing German schools.) The Bulgarian press is proud of contrasting the free, democratic Bulgarian nation—the foreign policy of which recent events have shown to be entirely in the hands of its foreign Tsar and his nominees—with the Rumanian, composed as it is of selfish and corrupt boyars and an oppressed and unenlightened peasantry. The Hungarian Socialist organ, *Népszava*, has repeatedly declaimed against the medievalism and feudalism and Byzantinism of Rumanian public life, and encouraged the Magyar and

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non-Magyar masses to forget their own grievances and vent their enthusiasm against absolutism on the public foe. Not very long ago the *Frankfurter Zeitung* wrote a highly-coloured picture of the deplorable conditions in Rumania, and represented the German conquerors as liberators and apostles of freedom. We have seen how much and how little justification there is for charges, which, even if justified, it would ill become Rumania's enemies to make. Rumanian political and social life is ultra-modern if compared with the reactionarism and oligarchism which obtain in Hungary. As for Prussia—in Rumania as in Russia, Prussia's best, if not her only, friends, were to be found among the very boyars and exploiters of the people whom she so self-righteously abuses. It is true that German capital and German science have powerfully helped in the development of modern Rumania—not out of altruism, but as a good commercial speculation. But what sympathy or help has Germany given to the growth of democratic feeling and cultural development there? It is from France and Italy that Rumanians have drawn their political and spiritual inspiration. From Berlin and Vienna they received little but trade wares, political loans, and diplomatic instructions.

In Rumania's fight for freedom the economic side is not unimportant. Just as in Italy, just as in Russia, so in Rumania, German economic expansion, set in motion in the '80's by Bismarck,

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passed gradually into political control of the country. Not only the trade but the finances of Rumania soon became predominantly the sphere of German banks such as the Deutsche Bank and the Disconto Gesellschaft. The Entente Powers apathetically allowed Germany to enmesh Rumania financially, and with German finance goes hand-in-hand German foreign policy. A German victory or a "drawn" war would mean the complete political and economic subjection of Rumania to the Central Powers.

Like Italy, Rumania had no choice but to be the ally or enemy of Austria-Hungary. There were such acute differences between the two neighbouring States—over Transylvania in especial—that they must be settled or postponed by war or alliance. The alliance concluded secretly in 1883 between Rumania and the Germanic Empires was the sole alternative to a disastrous war. As the Rumanian Declaration of War on Austria-Hungary explained, "Rumania," in concluding the Treaty of 1883, "saw in the relations of friendships and alliance which were established between the three Great Powers a precious pledge for her domestic tranquillity, as well as for the improvement of the lot of the Rumanians of Austria-Hungary." In the course of three decades she found, however, that not only had she thrown in her lot with Powers whose policy and political principles ran counter to her own, but had not even by doing so saved the Rumans of Hungary from continued persecution. Like

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Italy, Rumania was not the sinner but the sinned against in the matter of treaties. Just as Austria-Hungary's Balkan policy, aggressive and pan-German, broke the spirit of the alliance with Italy, so was it also with Rumania. If again, the flagrant and continued oppression of the Rumans of Hungary could not be mitigated by friendly representations and political help from the neighbouring kingdom, then it must be settled by the sword. "The bribes that these two eminently sordid Governments exacted as their price for entering the war"—to return to the *New York World's* criticism—were nothing more nor less than the demand that the Powers of the Entente who have proclaimed that they are championing the principle of nationality and the rights of small peoples should apply their general principles to the salient case of the Rumanians of Austria-Hungary. The States now fighting the battle of Civilisation and Christianity should only be proud that included in their program is a demand so clearly justified by history, by equity, and by common-sense. Grievously as she suffered for her ideal, Rumania, through the mouth of her king and foremost men, has proclaimed her belief that it was "worth while," and that she does not regret it. She has risked all for Justice and Freedom, let justice and freedom be her reward.

RUMANIA AND ITS UNREDEEMED TERRITORIES.



Rumanian equivalents of Hungarian and German place-names:

Hermannstadt = Sibiu	Klausenburg = Cluj	Segesvar = Sighisoara	Belenyas = Boius
Kronstadt = Brasov	Karlsburg = Alba Iulia	Grosswardein = Oradea Mare	Szamosujvar = Gherla

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A STUDY IN NATIONAL IDEALS

BY
D. MITRANY

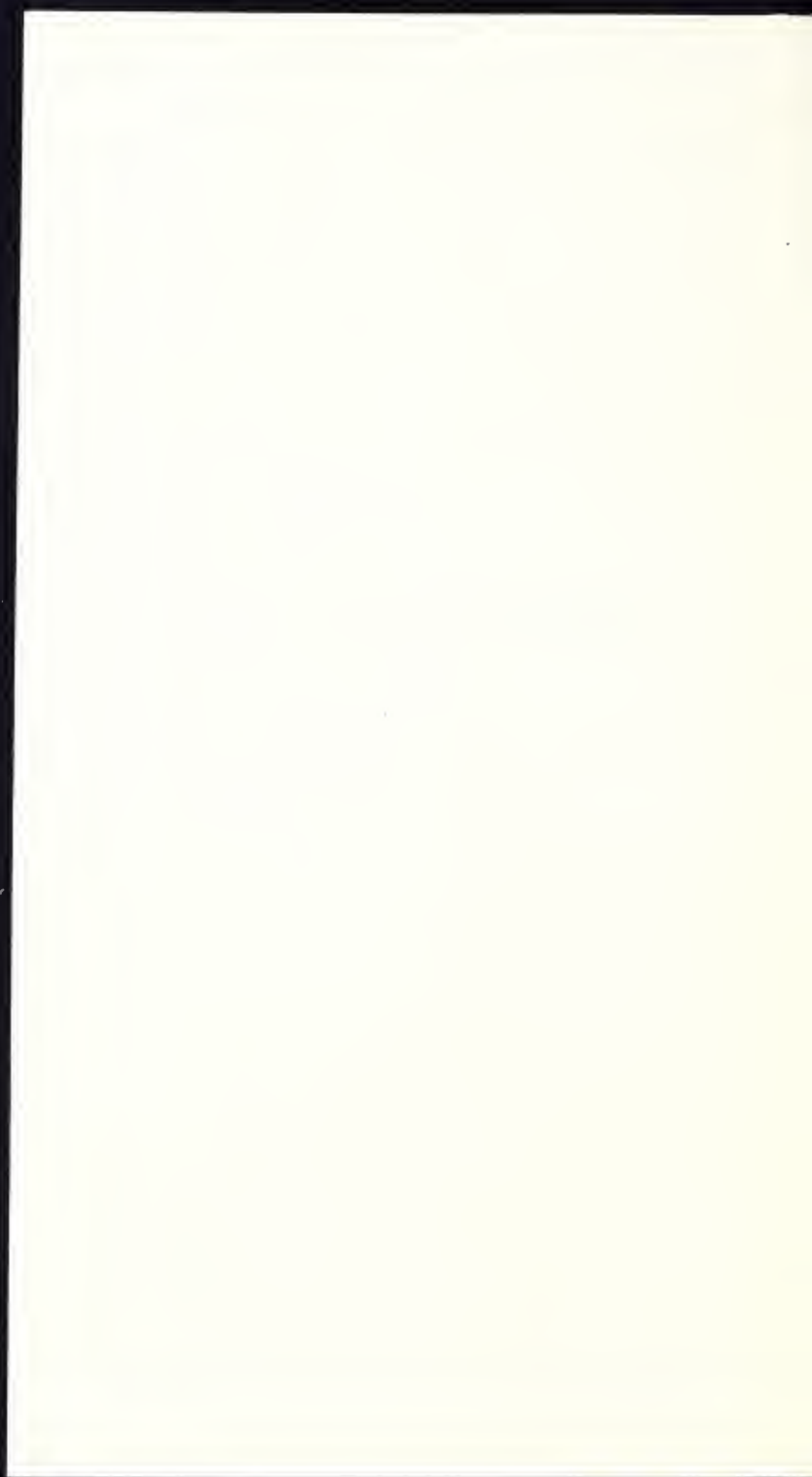
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GREATER RUMANIA

THE main body of the Rumanian nation is constituted by a compact group of about twelve and a half million people. Of these only seven and a half million live in Rumania proper; the remainder inhabit neighbouring territories under Russian and Austro-Hungarian domination. Bessarabia numbers one million Rumanians, Bukovina a quarter of a million, and Hungary three and a half million. Bukovina was lost to Austria in 1775. Transylvania, Maramuresh, Crishana, and the Banat of Temesvár formed the kernel of the old Daco-Roman province of Dacia, but have belonged to Rumania only for a short time at the end of the sixteenth century, under the Voivode Michael the Brave. The Hungarian statistics of 1910 admit a number of 2,932,214 Rumanians for the whole region, maternal language serving as criterion for the division of the population on the basis of nationality. The census form contained the question: "What language do you use by preference?" Many non-Magyars, dependent in one way or another upon the goodwill of the authorities, were thus led to reply: "Hungarian." In the final returns, however, "language of preference" became "maternal language," and by also counting as Hungarians those

unable to speak—that is, the very small children and the dumb, as well as the considerable body of nomadic *tziganes*—the Hungarian authorities arrived at the result I have indicated. Even so, the Rumanians represent about one-half of the total population, whereas the Magyars contribute only 26·6 per cent. and the Saxons 10·8 per cent. While the Magyar and the Saxon elements predominate in the towns, the Rumanians show an overwhelming majority in 1,785 out of the 2,623 rural districts of Transylvania. The changes of population only tend to emphasise that situation. According to a German writer, E. Fischer, the Saxons lost during the last fifty years their preponderance in thirty-nine Transylvanian communes, the majority passing in thirty-eight cases to the Rumanians, and only in one case to the Magyars. That in itself should be sufficient justification for the Rumanian claims. What gives them an irresistible weight, however, and what has acquired for them the active support of the Allied Powers, is the arch iniquity of the political system of Hungary. The following pages shall do no more than sketch roughly the evolution of that system, for in this case to know is to condemn.

The question of priority of settlement in Transylvania is, in fact, irrelevant to the political problem now at issue. Yet since it has long ceased to be one of mere academic controversy, it may be well to point out that after the conquest of Dacia by the Romans the region which now

includes, broadly speaking, the provinces of Transylvania, Maramuresh, Crishana, and the Banat of Temesvár, had been intensively colonised with people of Latin stock. Gradually, under the pressure of the barbarian invaders who swept over the Hungarian and Rumanian plains coming from north and east, the Daco-Roman population clustered in a compact group in the Transylvanian highlands, living in small duchies within the shelter of the Carpathians. This comparative isolation enabled them to preserve and strengthen their national characteristics, and to transmit them unimpaired to the communities which sprang up east and west, and north and south, when times were safe once more. Ever since, Transylvania has remained for the Rumanian people an inexhaustible source of national vitality. At the beginning of the eleventh century some of the Rumanian duchies were subdued by the Magyars, who had settled on the Hungarian plains towards the end of the ninth century; yet the "land of the Vlaks," in the south-eastern corner of Transylvania, continued to enjoy a certain degree of national autonomy. On the whole, the customs, institutions, and religion of the Rumanians were respected. As in other similar cases, the more warlike new-comers allowed themselves to be influenced by the more civilised native population. The Magyars adopted Latin for their official language, copied many institutions and customs of the Daco-Romans, and also

recruited a large number of their nobles from among the Rumanian nobility, which was already established on a feudal basis, and allied by community of interest to the Magyar feudal lords. The resultant economic oppression was accentuated during the thirteenth and fourteenth centuries by the ruthless proselytism pursued by the Catholic Magyars among the Orthodox Rumanians. Those of the Rumanian nobles and freemen who had refused to become the confederates of the new masters were now driven by religious intolerance across the mountains, and there founded the two Rumanian principalities of "Muntenia" (commonly known as Wallachia) and "Moldavia." Though again occupying the area once covered by the old Roman province of Dacia, the Rumanian people thus found itself split politically into three independent groups. The following four centuries saw Moldavia and Wallachia engaged in a ceaseless struggle for life against the oncoming Turks, Tatars, Poles, and Magyars. As a consequence, their rulers could pay no heed to the sufferings of the Rumanians in the Hungarian lands who, being deprived by the emigration of their nobles of all moral and political support, fell in time into servitude. Many a time did the peasantry rise in an attempt to ease the pressure of the economic despotism and the religious intolerance of the Magyars; but the uneducated masses lacked experienced leadership, and, above all, the impetus of some unifying

sentiment which should speed their efforts to victory. The remedy for the latter deficiency was to arise from a development in the organisation of the Rumanian Church in Hungary.

THE SEED OF RUMANIAN NATIONALITY

Under the pious efforts of the Emperor Leopold I. part of the Rumanian Church was induced to recognise the supremacy of Rome, but was allowed to retain its married clergy and vernacular rites, and thus the Uniate Church came into being. Freed now from the degrading bondage to which they had been subjected hitherto, many young priests wandered to Rome during the first half of the eighteenth century to complete in the papal city their religious education. The religion they were destined to glean there was that of nationality. The sudden contact with Latin civilisation, the language they heard all round them, the sight of Trajan's column—the reliefs of which spoke to them of the ancestral glory they had long forgotten—all united in making them alive to what was almost a revelation: that the Rumanian language was a Latin language; that all those broken masses speaking Rumanian were, in fact, one and the same people of common Latin origin. The seed out of which Rumanian nationality was to mature was sown and the inevitable union of all Rumanians was heralded. In the town of Blaj, in Transylvania, there sprang up a teaching centre where the Rumanian language was

born anew, and from which went out in spirited speech and writing the call of the new national ideal. It was answered in 1784. In that year the Rumanians rose once more against their oppressors ; but for the first time, and differing in that from similar peasant risings in other European countries, the movement was as much national as economic in character. "Let the Hungarians go to their Hungarian lands, and leave the Rumanian soil to the Rumanians," clamoured the peasants. But the Magyars remained, and they had the peasant leaders—Horia, Closhca, and Crishan—broken on the wheel. The current started by a few intellectuals was now not to be stemmed, however. The many well-founded grievances which the Rumanians had against their masters gave a sense of tragic reality to that new incentive to independence, kept alive and fomented by the increasing ruthlessness of the Magyars.

With the beginning of the nineteenth century this national revival approached its ideal consummation when it spread to Moldavia and Wallachia, in which Turkish turpitude and Greek venality were achieving the material and spiritual ruin of the population. In churches, schools, and salons Greek was the ruling language ; even where Rumanian was still written its Latin character was hidden under the heavy cloak of the Cyrillic (Slav) alphabet. Everything was foreign and forced. A wave of enthusiasm greeted, therefore, the foundation of the first national school in

Bucarest in 1817, by the Transylvanian teacher Lazar. Here at last was a refuge for the languishing national spirit. Here at last the young generation could satisfy its craving for something free of alien adulteration. The school became a place of pilgrimage; acting as a powerful ferment it conduced to the creation of a national Press and, in 1827, to the foundation, by Heliade Rădulescu, of the Society for the Propagation of the National Ideal, which aimed at the establishment of schools, of printing offices, and of a national theatre.

There is something touching in the very vagaries associated with that renaissance, as the epidemic of Latinised christian names—Augustus, Demetrius, Titus, Aurelius, and others—which raged especially in Transylvania, or the fanciful scholarship of the historians of the time, who began their tale with Romulus and Remus, and, contemptuous of earlier developments, dated their narrative from the foundation of Rome. It is worthy of notice that the new schools established in Wallachia in 1834 appealed to Transylvania for teachers, and that the newly founded Rumanian Society of Literature entrusted a Transylvanian, Laurian, with the compilation of its first dictionary in 1860. Just as she had been the origin of those elements which founded in the late Middle Ages the two provinces of Moldavia and Wallachia—that is, present-day Rumania—so now again Transylvania was the source of those idealistic forces which roused all Rumanians to the con-

sciousness of their common origin, language, and character, and knitted the fragments into one close nation, free spiritually, and of necessity to be free politically.

At the summons of the national song, "Wake up, Rumanian, from your Sleep of Death," written by the Transylvanian poet Muresheanu a few years before, and the more cherished for being prohibited in Hungary, the Rumanians joined everywhere in the general revolutionary movement of 1848. In Moldavia and Wallachia the rising was easily suppressed by the joint action of the forces of suzerain Turkey and protecting Russia. In Hungary the Magyars had taken up arms against Austria and given themselves an independent constitution which incorporated with Hungary the Principality of Transylvania, but they refused in their infatuated enmity to recognise even the existence of Rumanian nationality. Transylvania had been directly attached to the Austrian crown since the Treaty of Carlowitz (1699), with a measure of local autonomy. Confronted with the uncompromising attitude of the Magyars, the Rumanians assembled 40,000 strong outside the town of Blaj (Blasendorf), proclaimed their allegiance to the Austrian crown, refused to accept the legalised despotism of the Magyars, and each and all of them took the oath "to defend our Rumanian language and rights, to defend liberty, equality, and fraternity; in accordance with these principles to respect the nationality of

all the inhabitants of Transylvania, claiming from them equal respect for my own nationality. I will not attempt to dominate anybody and will not suffer myself to be dominated by anybody." The racial war which ensued was fought out bitterly. Finally defeated by the intervention of Russian troops, Hungary had once more to accept Austrian rule, and in so far as the Magyars lost their predominant position the subject-peoples came again into their own. In 1863 the Rumanians were able to secure, with the support of Vienna, linguistic privileges and a political status equal to those of the Magyars, Szeklers, and Saxons. But that beneficent era came abruptly to an end in 1867, when the defeat at Königgrätz forced Austria to give way to Hungarian demands for independence. With the establishment of the Dual Monarchy the privileges acquired during the preceding few years were repudiated as unconstitutional, and Transylvania was proclaimed an integral part of Hungary. Freed from the restraining control of Vienna, the Magyars now gave full play to their political methods in order to achieve their fantastically impossible and brutally egotistic ideal of a unitary Magyar State. Seemingly, they were guided by the principle that what was not Magyar ought to be, and that what could not be Magyar must disappear.

HUNGARIAN TYRANNY

To describe in any detail the constitutional life of Hungary during the last half of a century

would amount to writing a theoretical treatise on political corruption. The facts have been sufficiently and irrefutably established by many investigators. One need only mention the well-known English writer, Dr. R. W. Seton-Watson, whose evidence is the more damning as he declares himself that "I approached the subject with the conventional views of a British admirer of Louis Kossuth, and have gradually and reluctantly revised my opinion on almost every problem of Austrian and Hungarian politics." In order to break the spirited resistance of the Rumanians the Magyars endeavoured, above all, to thwart their corporate life. Of the right of meeting and association the Rumanians of Transylvania are, in fact, deprived. Even literary and artistic societies fail generally to obtain the necessary authorisation, as has been the case with the literary society of the students of Cluj (Klausenburg), and with several musical societies in the Banat. Of course, the greatest opportunity for Magyarisation lay in the field of education. To that end numerous infant schools were set on foot, attendance at which was compulsory upon all children between the ages of three and five. The function of attendance-officer is fulfilled zealously by the village gendarme. The children's education is continued in the so-called State schools, in which all teaching is given in Hungarian and by Hungarians. True enough, attendance at those schools is not compulsory. But as the great

majority of the Rumanian communities have been unable to support schools without State assistance, the parents have had to choose between ignorance or Magyarisation for their children. The fact that the Rumanian villages show a proportionately high percentage of illiterates is, in these circumstances, actually to their credit, and that one can state it in this way is indicative of the tragedy of their position. Nevertheless, by considerable sacrifices, they had been able to bring the number of Rumanian elementary schools to nearly 3,300 by 1905; but two years later the so-called Apponyi Law was passed which provided for the closing of those Rumanian schools in which the teaching of Hungarian was "insufficient." By means of such conveniently loose wording—characteristic of Hungarian legislation—hundreds of Rumanian schools were closed without being replaced. "I hope that Magyarisation will make better headway henceforward," said the late Emperor to Apponyi, when signifying his assent to the Bill. As to higher education, it will be sufficient to state that for a population of three and a half million Rumanians the Hungarian authorities have not allowed the establishment of more than five secondary schools.

The use of the Rumanian language in religious services, even in the Uniate churches, has naturally been of considerable value for the strengthening of Rumanian nationality. The following instance, quoted from a survey of Magyar abuses, will

indicate the way in which ecclesiastic organisation is dealt with in Hungary :—“Notwithstanding the united protest of all the Rumanians of Hungary, part of the Uniate Church was recently placed by decree within the jurisdiction of a Hungarian bishopric, created for the purpose at Hajdú Dorog. The services were to be conducted in Hungarian, and the ministers were chosen from among the most active supporters of the policy of Magyarisation. A Papal Bull of June 8, 1912, ratified this new offence. As a consequence, eighty parishes were forcibly cut away from the Uniate Church. The action found its consummation in a monster trial at Szatmár, which resulted in a large number of those who had raised their voice in protest being sent to prison.”

LÈSE-MAGYARISME

The Press, one of the channels by means of which the Rumanians could voice their grievances, has been muzzled by the introduction of a special law. During the last twenty years more than one hundred years' imprisonment and 250,000 francs in fines have been dealt out to Rumanian journalists for Press offences. The reader will probably ask himself: Why did the Rumanians not attempt to improve their lot by constitutional methods, since there is a Parliament in Budapest? It may be well to explain, therefore, that by a series of enactments the Hungarian Government have succeeded in defrauding the Transylvanians

of almost all electoral privileges. The latest of these patriotic contrivances is the law passed by Tisza in 1913, which restricted the vote to those able to read and write, ability to be ascertained by commissions composed of Hungarian officials. To commit any mistake involves almost certain disqualification for a Rumanian elector. The vote being public, it can easily be understood that freedom of opinion is a myth for those connected with official institutions. Moreover, the authorities do not hesitate to employ any unlawful means in order to secure the election of the official candidates. That "a Transylvanian election is nothing less than civil war" seems to find support in the fact that, on the admission of the Hungarian Government, "only" 194 battalions of infantry and 114 squadrons of cavalry were needed at the elections of 1910 to "preserve order." Proportionately, the Rumanians ought to have eighty representatives in Parliament; in 1910 they succeeded in securing five seats. When in 1892 the committee of the Rumanian National Party embodied their grievances in a petition to the throne, the Hungarian Government not only prevented the Emperor from receiving the deputation, but actually had its members sentenced to long terms of imprisonment for having plotted against the unity of the Magyar State. It has been well said that Hungarian law has evolved a new offence, unique of its kind—the crime of *lèse-magyarisme*.

While it is manifest that such a situation cannot endure, the fact that it has been brought about deliberately, in pursuance of a goal which is the golden dream of most Hungarian statesmen, bars all hope to betterment from within. This is evidenced by the complete failure of the negotiations which took place early in 1914 between the Hungarian Prime Minister, Tisza, and a specially elected Rumanian committee of three. The demands put forward by the Rumanians can be summarised in one word—equality. They were offered nothing but vague assurances, the Government adhering to their past policy of reducing, as the Austrian writer Treumund puts it, all “non-Magyars to second-rate citizens.” One might have expected the war to work a change upon the strange mentality of the Hungarian politicians; indeed, proposals for electoral reform were placed before the Hungarian Parliament at the beginning of this year. We are enlightened as to their nature by the following comment, one among many similar offered by the Hungarian Press:—“The old world is trying to give birth to a new world. . . . The Beduins aspire to national self-government. . . . It is the glory of Tisza that he is the last apostle of an unmodified economic and political system, that he is the last representative of legitimate internal oppression.” (*Világ*, February 9, 1917.)

The long-suffering nationalities of Austria-Hungary had one avowed friend in the person of

the late Archduke Francis Ferdinand. The dagger which stupidly slew him also cut the last constitutional link which tied the subject-races to the Dual Monarchy. Henceforward they had to seek salvation in their own strength, and in the help which is due to them from their more fortunate brethren across the frontiers. Conditions arising out of her international position, and anxiety not to compromise the country's internal development by friction with the neighbouring State, had led Rumania to discourage nationalist tendencies in the past. In 1883 she even entered upon an alliance with Austria-Hungary. But that she neither could nor intended to renounce her national ideal was clearly stated by the late King Carol in the very same year. "No nation," he said, "consents to be bereaved of its political aspirations, and those of the Rumanians are constantly kept at fever heat by Magyar oppression. But this is no real obstacle to a friendly understanding between the two neighbouring States." The alliance was a compact by which Rumania agreed to shelve for the time being her legitimate claims in return for unhampered security in her own development. Two circumstances, however, different in character but alike in their effect, were actively achieving the breakdown of that compromise. While rapid progress was rendering Rumania more independent in her external relations, the Transylvanian question was looming ever larger, Vienna being unwilling or unable to

restrain the growing excesses of Magyar jingoism. Moreover, the foreign policy of Austria-Hungary, economically and politically aggressive, made a real understanding impossible. During the period from 1883 to 1913 Rumania had no diplomatic conflict of any consequence except with her ally, Austria-Hungary. This country's uncandid attitude found final expression in 1913 in the second Balkan War, avowedly engineered by Austria and adverse to the most vital interests of the Rumanian State. It must be granted that in so acting Austria only followed the dictates of an inexorable fate. No artificial barrier can ward off the final fusion of Serbs with Serbs, and of Rumanians with Rumanians. Lest that evolution should centre in independent Serbia and Rumania, and be consummated outside the frontiers of the Dual Monarchy, the descendants of Metternich stirred up the fray in the hope of coming out of it as masters now of Serbia, later of Rumania. Not wanting to free her own subjects, Austria had to aim at enslaving their kindred across the frontiers. So flagrant was the situation that in a conversation which took place earlier in the war between the Austrian Minister at Bucarest, Count Czernin, now Austro-Hungarian Foreign Minister, and M. Take Ionescu, the former exclaimed bluntly: "You will go to war with us. That is an understood thing. It is both your interest and your duty."

What an Austrian could perceive, no Rumanian

might overlook. Speaking long ago on the Transylvanian question, the late Ioan Brătianu said: "When there are squabbles in the house of my brother-in-law it is no affair of mine; but when he raises a knife against his wife it is not merely my right to intervene—it is my duty." Since then the sufferings of the Rumanians of Austria-Hungary have grown apace. It was hence Rumania's unquestionable duty to do her utmost, as soon as opportunity arose, to free those unfortunate martyrs from their chains. Transylvania must be made independent of Austria-Hungary. That being so, what can be more just than that she should be united to Rumania? For not only are the inhabitants of the two regions alike in their nature and united in their aspirations, but the Transylvanians can advance the further claim of having created of their own blood, and fed of their own spirit, that part of the Rumanian nation which, being further from the Magyars, has been able the earlier to join the community of independent and more advanced European States. It is difficult to conceive a cause more legitimate than that of the Rumanian nation, whether one considers it from the racial, historical, political, or simply from the human point of view.

There are, moreover, considerations of general import which make it imperative to solve the Transylvanian question in the sense defined by the Allies' reply to President Wilson. All who have studied the history of south-eastern Europe

agree upon the point that the condition *sine qua non* for the pacification of that region is the removal of the artificial national frontiers. The pre-war situation was so profoundly illogical in itself that it could not be defended on any ground whatsoever. That is far from being its most serious defect, however. South-eastern Europe is not unjustly considered a hotbed of disorder. Yet it is exactly that arbitrary racial division which is the ultimate cause of the constant restlessness prevailing in the region, and diplomacy has cultivated and exploited it as a source of opportunities for its own particular quarrels. As a consequence, the development of all the countries concerned has been retarded, firstly, because they were involved in unending feuds; and, secondly, because the prominence of external problems enabled their oligarchic Governments to divert popular attention from much-needed internal reforms. The present conflict has emphasised the fact that no country can afford to ignore events and conditions which disturb the tranquillity of another. If there be anyone so impervious to principles of general justice as to deny the righteousness of the Rumanian case, let him at least consider the dangers accruing to his own country—indeed, to the world at large—from that misuse of power on the part of the stronger peoples which results in the obstruction of the natural development of the weaker.

RUMANIA AND ITS UNREDEEMED TERRITORIES.

Rumanians Germans
 Ruthenes Magyars
 Serbs Bulgars
 Mixed

ENGLISH MILES
 0 10 20 30 40 50 100



Rumanian equivalents of Hungarian and German place-names:

Hermannstadt = Sibiu	Klausenburg = Cluj	Segesvar = Sighisoara	Belenyas = Beius
Kronstadt = Brasov	Karlsburg = Alba Iulia	Grosswardein = Oradea Mare	Szamosujvar = Gherla



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ÜBER ALLAH

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DEUTSCHLAND ÜBER ALLAH

IT was commonly said at the beginning of this war that, whatever Germany's military resources might be, she was hopelessly and childishly lacking in diplomatic ability and in knowledge of psychology, from which all success in diplomacy is distilled. As instances of this grave defect, people adduced the fact that apparently she had not anticipated the entry of Great Britain into the war at all, while her treatment of Belgium immediately afterwards was universally pronounced not to be a crime merely, but a blunder of the stupidest sort. It is perfectly true that Germany did not understand, and, as seems likely in the light of innumerable other atrocities, never will understand, the psychology of civilised peoples; she has never shown any signs up till now, at any rate, of "having got the hang of it" at all. But critics of her diplomacy failed to see the root-fact that she did not understand it merely because it did not interest her. It was not worth her while to master the psychology of other civilised nations, since she was out not to understand them but to conquer them. She had all the information she wanted about their armies and navies and guns and ammunition neatly and correctly tabulated. Why, then, since this was all that concerned her, should she bother her head about what

they might feel on the subject of gas-attacks or the torpedoing of neutral ships without warning? As long as her fumes were deadly and her submarines subtle, nothing further concerned her.

But Europe generally made a great mistake in supposing that she could not learn psychology and the process of its distillation into diplomacy when it interested her. The psychology of the French and English was a useless study, for she was merely going to fight them, but for years she had been studying with an industry and a patience that put our diplomacy to shame (as was most swiftly and ignominiously proven when it came into conflict with hers) the psychology of the Turks. For years she had watched the dealings of the Great Powers with Turkey, but she had never really associated herself with that policy. She sat quietly by and saw how it worked. Briefly it was this. For a hundred years Turkey had been a Sick Man, and for a hundred years he had been kept alive in Europe by the sedulous attentions of the Physician-Powers, who dared not let him die for fear of the stupendous quarrels which would instantly arise over his corpse. So there they all sat round his bed, and kept him alive with injections of strychnine and oxygen and, no less, by a policy of rousing and irritating the patient. All through the reign of Abdul Hamid they persevered: Great Britain plucked his pillow from him, so to speak, by her protectorate of Egypt; Russia tweaked Eastern Rumelia from him; France deprived him of his hot-water bottle when she snatched at the Constantinople quays, and they all shook and slapped him when he went to war with

Greece in 1896, and instantly deprived him of the territory he had won in Thessaly. That was the principle of European diplomacy towards Turkey, and from it Germany always held aloof.

But from about the beginning of the reign of the present German Emperor, German or rather Prussian diplomacy had been going quietly about its work. It was worth while to study the psychology of the Turks, because dimly then, but with ever increasing distinctness, Germany foresaw that Turkey might be a counter of immense importance in the great conflict which was assuredly drawing nearer, though as yet its existence was but foreshadowed by the most distant reflections of summer lightning on a serene horizon. But if Turkey was to be of any profit to her, she wanted a strong Turkey who could fight with her (or rather for her), and she had no use for the Sick Man whom the other Powers were bent on keeping alive but no more. Her own eventual domination of Turkey was always the end in view, but she wanted to dominate not a weak but a strong servant. And her diplomacy was not less than brilliant simply from the facts that on the one hand it soothed Turkey instead of irritating, and on the other it went absolutely unnoticed for a long time. Nobody knew that it was going on. She sent officers to train the Turkish army, well knowing what magnificent material Anatolia afforded, and she had thoroughly grasped the salient fact that to make any way with Oriental peoples your purse must be open and your backshish unlimited. "There is no God but backshish, and the Deutsche Bank is his prophet."

For years this went on very quietly, and all over the great field of the Ottoman Empire the first tiny blades of the crop that Germany was sowing began to appear. To-day that crop waves high and covers the whole field with its ripe and fruitful ears. For to-day Turkey is neither more nor less than a German colony, and more than makes up to her for the colonies she has lost and hopes to regain. She knows that perfectly well, and so do any who have at all studied the history and the results of her diplomacy there. Even Turkey itself must, as in an uneasy dream, be faintly conscious of it. For who to-day is the Sultan of Turkey? No other than William II. of Germany. It is in Berlin that his Cabinet meets, and sometimes he asks Talaat Bey to attend in a strictly honorary capacity. And Talaat Bey goes back to Constantinople with a strictly honorary sword of honour. Or else he gives one to William II. from his *soi-disant* master, the Sultan, or takes one back to his *soi-disant* master from his real master. For no one knows better than William II. the use that swords of honour play in deeds of dishonour.

The object of this pamphlet is to trace the hewn and solid staircase of steps by which Germany's present supremacy over Turkey was achieved. Apart from the quiet spade-work that had been going on for some years, Germany made no important move till the moment when in 1909 the Young Turk party, after the forced abdication of Abdul Hamid, proclaimed the aims and ideal of the new régime. At once Germany saw her opportunity, for here, with her help, might arise the strong

Turkey which she desired to see, instead of the weak Turkey which all the other European Powers had been keeping on a lowering diet for so long (desirous only that it should not quite expire), and from that moment she began to lend, or rather let, to Turkey in ever increasing quantities the resources of her scientific and her military knowledge. It was in her interests, if Turkey was to be of use to her, that she should educate, and irrigate, and develop the unexploited treasures of human material, of fertility and mineral wealth; and Germany's gold, her schools, her laboratories were at Turkey's disposal. But in every case she, as in duty bound to her people, saw that she got very good value for her outlay.

Here, then, was the great psychological moment when Germany instantly moved. The Young Turks proclaimed that they were going to weld the Ottoman Empire into one homogeneous and harmonious whole, and by a piece of brilliant paradoxical reasoning Germany determined that it was she who was going to do it for them. In flat contradiction of the spirit of their manifestos, which proclaimed the Pan-Turkish ideal, she conceived and began to carry out under their very noses the great new chapter of the Pan-Germanic ideal. And the Young Turks did not know the difference! They mistook that lusty Teutonic changeling for their own new-born Turkish babe, and they nursed and nourished it. Amazingly it thrived, and soon it cut its teeth, and one day, when they thought it was asleep, it arose from its cradle a baby no more but a great Prussian guardsman who shouted "Deutschland über Allah!"

Only once was there a check in the career of the Prussian infant, and that was no more than a childish ailment. For when the Balkan wars broke out the Turkish army was in the transitional stage. Its German tutors had not yet had time to inspire the army with German discipline and tradition; they had only weeded out, so to speak, the old Turkish spirit, the blind obedience to the ministers of the Shadow of God. The Shadow of God, in fact, in the person of the Sultan had been dragged out into the light, and his Shadow had grown appreciably less. In consequence there was not at this juncture any cohesion in the army, and it suffered reverse after reverse. But a strong though a curtailed Turkey was more in accordance with Prussian ideas than a weak and unformed one, and Germany bore the Turkish defeats very valiantly. And that was the only set-back that this Pan-Prussian youngster experienced, and it was no more than an attack of German measles which he very quickly got over. For two or three years German influence wavered, then recovered, "with blessings on the falling out, that all the more endears."

It is interesting to see how Germany adapted the Pan-Turkish ideal to her own ends, and by a triumphant vindication of Germany's methods the best account of this Pan-Turkish ideal is to be found in a publication of 1915 by Tekin Alp, which was written as German propaganda and by Germany disseminated broadcast over the Turkish Empire. The movement was organised by Kemal Bey in 1909 as a branch committee of the Union and

Progress Party at Constantinople, and its headquarters were in Salonica, where the deposed Abdul Hamid was subsequently confined. Another branch, under Zia Bey, worked at Constantinople. Kemal Bey collected a group of young and ardent writers, who exploited the idea of a restoration of a national and universal Turkey which should unite all Turkish elements, and, as was hinted even then, extirpate the other nationalities, such as the Armenians, which were a menace, or might conceivably be a menace, to complete Turkish autocracy. The young writers were supplemented by a group called *Yeni Hayat*, or the "Young Life," who worked for the restoration of national traditions. Certain opposition was met with, but this was overcome, and at once Kemal Bey and his assistants had the Koran translated into Turkish, and the prayers for the Khalif—in Arabic no longer, but in Turkish—were distributed throughout the Empire. Knowing full well that, apart from language, the religious bond of Islam was one of the strongest uniting forces, if not actually the strongest, at their disposal, they proclaimed that the true faith was the Turkish and not the Arab version. With a stupendous audacity they claimed this difference between the two, namely, that the Arab conception of Allah was the God of Vengeance, the Turkish conception the God of Love. The Turkish language and the Turkish Allah, God of Love, in whose name the Armenians were tortured and massacred, were the two wings on which Turkey was to soar. Auxiliary soaring societies were organised, among them a Turkish *Ojagha* with similar aims, and no

fewer than sixteen branches of it were founded throughout the Empire. There were also a Turkish *Guiji* or gymnastic club and an *Izji* or boy scouts' club. A union of merchants worked for the same object in districts where hitherto trade had been in the hands of Greeks and Armenians, and signs appeared on their shops that only Turkish labour was employed. Religious funds also were used for similar economic restoration.

Turkey then was to be for the Turks, and so was a great deal more than Turkey. They claimed that of the 10,000,000 population of Persia one-third were Turks, while the province Azerbaijan—the richest, most active and enlightened district of Persia—was entirely Turkish. Similarly they regarded the country south of the Caucasus as Turkish, since Turks formed 50 to 80 per cent. of its population. Kasan, in fact, was Turkish, and if the Turks in the plain of the Volga, in the Crimea, and in the Caucasus were welded into Turkey, a nation of between forty and fifty million would be formed—Osmanlis all of them.

Germany saw, Germany tabulated, Germany licked her lips and took out her long spoon, for her hour was come. She did not interfere: she only helped to further the Pan-Turkish ideal. With her usual foresight she perceived that the *Izji*, for instance, was a thing to encourage, for the boys who were being trained now would in a few years be precisely the young men of whom she could not have too many. By all means the boy-scout movement was to be encouraged. She encouraged it so generously and methodically that in 1916,

according to an absolutely reliable source of information, we find that the whole boy-scout movement, with its innumerable branches, is under the control of a German officer, Colonel von Hoff. In its classes (derneks) boys are trained in military practices, in "a recreational manner," so that they enjoy—positively enjoy (a Prussian touch)—the exercises that will fit them to be of use to the Sultan William II. They learn trigger-drill, they learn skirmishing, they are taught to make reports on the movements of their companies, they are shown neat ways of judging distance. They are divided into two classes, the junior class ranging from the ages of twelve to seventeen, the senior class consisting of boys over seventeen but not yet of military age. But since Colonel von Hoff organised this boys of the age of seventeen have become of military age. Prussian thoroughness therefore saw that their training must begin earlier; the old junior class has become the senior class, and a new junior class has been set on foot which begins its recreational exercises in the service of William II., Gott and Allah, at the age of eight. It is all great fun, but those pigeon-livered little boys who are not diverted by it have to go on with their fun all the same, for, needless to say, the Izji is compulsory on all boys. Of course they wear a uniform which is made in Germany and is of a "semi-military" character.

The provision of soldiers and sailors, then, trained from the early age of eight was the first object of Germany's peaceful and benign penetration. As from the Pisgah height of the Pan-Turkish ideal she saw the promised land, but she had no idea of seeing

it only, like Moses, and expiring without entering it, and her faith that she would enter it and possess it has been wonderfully justified. She has not only penetrated but has dominated; a year ago towns like Aleppo were crammed with German officers, while at Islahie there were separate wooden barracks for the exclusive use of German troops. There is a military mission at Mamoura, where all the buildings are permanent erections solidly built of stone, for no merely temporary occupation is intended, and thousands of freight-cars with Belgian marks upon them throng the railways, and on some is the significant German title of "Military Headquarters of the Imperial Staff." There are troops in the Turkish army to which is given the title of "Pasha formation," in compliment to Turkey, but the Pasha formations are under the command of Baron Kress von Kressenstein, and are salted with German officers, N.C.O.s, and privates, who, although in the Turkish army, retain their German uniforms.

This German leaven forms an instructional class for the remainder of the troops in these formations, who are Turkish. The Germans are urged to respect Moslem customs and to show particular consideration for their religious observances. Every German contingent arriving at Constantinople to join the Pasha formations finds quarters prepared on a ship, and when the troops leave for their "destination" they take supplies from depôts at the railway station which will last them two or three months. They are enjoined to write war diaries, and are provided with handbooks on the military and geographical conditions in Mesopotamia,

with maps, and with notes on the training and management of camels. This looks as if they were intended for use against the English troops in Mesopotamia, but I cannot find that they have been identified there. The greatest secrecy is observed with regard to these Pasha formations, and their constitution and movements are kept extremely veiled.

Wireless stations have been set up in Asia Minor and Palestine, and these are under the command of Major Schlee. A Turkish air-service was instituted, at the head of which was Major Serno, a Prussian officer. At Constantinople there is a naval school for Turkish engineers and mechanics in the arsenal, to help on the Pan-Turkish ideal, and with a view to that all the instructors are German. Similarly by the spring of this year Germany had arranged to start submarine training in Constantinople for the Turks, and a submarine school was open and at work in March. Other naval cadets were sent to Germany for their training, and Turkish officers were present at the battle of Jutland in June, 1916, and of course were decorated by the Emperor in person for their coolness and courage.

A complete revision of the Turkish system of exemption from military service was necessary as soon as Germany began to want men badly. The age for military service was first raised, and we find a Turkish order of October, 1916, calling on all men of forty-three, forty-four, and forty-five years of age to pay their exemption tax if they did not wish to be called to the Colours. That secured their money, and, with truly Prussian irony, hardly had this been done when a fresh Army order was issued calling

out all men whether they had paid their exemption tax or not. Still more men were needed, and in November a fresh levy of boys was raised regardless of whether they had reached the military age or not. This absorbed the senior class of the boy scouts, who hitherto had learned their drill in a "recreationary manner." Again the Prussian Moloch was hungry for more, and in December the Turkish Gazette announced that all males in Asia Minor between the ages of fourteen and sixty-five were to be enrolled for military service, and in January of this year, 1917, fresh recruiting was foreshadowed by the order that men of forty-six to fifty-two who had paid their exemption money should be medically examined to see if they were fit for active service. Wider and wider the net was spread, and in the same month a fresh Turco-German convention was signed whereby was enforced a reciprocal surrender in both countries of persons liable to military service, and of deserters, and simultaneously all Turks living in Switzerland who had paid exemption money were recalled to their Germanised fatherland. By now the first crops of the year were ripening in Smyrna, and in default of civilian labour (for everyone was now a soldier) they were reaped by Turkish soldiers and the produce sent direct to Germany.

Already in August, 1916, certificates of Ottoman nationality had been granted to Serbians resident in the Empire who were willing to become Ottoman subjects, and their "willingness" was intensified by hints that incidents akin to the Armenian massacres might possibly occur among other alien people. They had to sign a declaration that

they would not revert to their former nationality, and thus no doubt many Serbs passed into the Turkish army. Further enrolments were desirable, and in March, 1917, all Greeks living in Anatolia were forcibly proselytised, their property was confiscated, and they were made liable to military service. Unfortunately all were not available, for of those who were removed from the villages where they lived to military centres ten per cent. died on the forced marches from hunger and exposure. That was annoying for the German recruiting agents, but it suited well enough the Pan-Turkish ideal of exterminating foreign nationalities. When trouble or discontent occurred among the troops it was firmly dealt with, as, for instance, when in November, 1916, there were considerable desertions from the 49th Division. On that occasion the order was given to fire on them, and many were killed and wounded. The officer who gave the order was commended by the Prussian authorities for his firmness. Should such an incident occur again, it will no doubt be dealt with with no less firmness, for in April, 1917, Mackensen was put in supreme command of all troops in Asia Minor. Simultaneously in Berlin Prince Zia-ed-Din, the Turkish Sultan's heir, presented a sword of honour to the Sultan William II. Probably he gave him good news of the progress of the German harbour works begun in the winter at Stamboul, and himself learned that the railway bridge which the Turks proposed to build over the Bosphorus was not to be proceeded with, for the German high command had superseded that scheme by their own idea of

making a tunnel under the Bosphorus instead, which would be safer from aircraft.

Such up to date, though in brief outline, is the history of the progress of the Prussian octopus in Turkish military and naval matters. In October, 1914, just before Turkey came into the war, she had been mobilising for three months, while Enver Pasha continued successfully convincing our Ambassador in Constantinople of his sincere and unshakable friendship for England, and had 800,000 men under arms. Already, of course, German influence was strong in the army, which now was thoroughly trained in German methods, but that army might still be called a Turkish army. Nowadays by no stretch of language can it be called Turkish except in so far that all Turkish efficient manhood is enlisted in it, for there is no branch or department of it over which the Prussian octopus has not thrown its paralysing tentacles and affixed its immovable suckers. Army and navy alike, its wireless stations, its submarines, its aircraft, are all directly controlled from Berlin, and, as we have seen, the generalissimo of the forces is Mackensen, who is absolutely the Hindenburg of the East. But thorough as is the control of Berlin over Constantinople in military and naval matters, it is not one whit more thorough than her control in all other matters of national life. Never before has Germany been very successful in her colonisations; but if complete domination—the sucking of a country till it is a mere rind of itself, and yet at the same time full to bursting of Prussian ichor—may be taken as Germany's equivalent of colonisation, then indeed we must be forced to recognise her

success. And it was all done in the name and for the sake of the Pan-Turkish ideal! Even now Prussian Pecksniffs like Herr Ernst Marre, whose pamphlet, "Turks and Germans after the War," was published in 1916, continue to insist that Germany is nobly devoting herself to the well-being of Turkey. "In doing this," he exclaims in that illuminating document, "we are benefiting Turkey. . . . This is a war of liberation for Turkey," though omitting to say from whom Turkey is being liberated. Perhaps the Armenians. Occasionally, it is true, he forgets that, and naïvely remarks, "Turkey is a very difficult country to govern. But after the war Turkey will be very important as a transit country." But then he remembers again and says, "We wish to give besides taking, and we should often like to give more than we can hope to give." Let us look into this, and see the manner in which Germany expresses her yearning to impoverish herself for the sake of Turkey.

All this reorganisation of the Turkish army was of course a very expensive affair and required skilful financing, and it was necessary to get the whole of Turkey's exchequer arrangements into German hands. A series of financial regulations was promulgated. The finance minister during 1916 was still Turkish, but the official immediately under him was German. He was authorised to deposit with the Controllers of the Ottoman National Debt German Imperial Bills of £T30,000,000 and to issue German paper money to the like amount. This arrangement ensures

the circulation of the German notes, which are redeemable by Turkey *in gold* two years after the declaration of peace. Gold is declared to be the standard currency, and no creditor is obliged to accept in payment of a debt more than 300 piastres in silver or fifty in nickel. And since there is no gold in currency (for it has been all called in, and penalties of death have been authorised for hoarders) it follows that this and other issues of German paper will filter right through the Empire. At the same time a German expert, Dr. Kautz, was appointed to start banks throughout Turkey in order to free the peasants from the Turkish village usurer, and in consequence enslave them to the German banks. Similarly a German was put at the head of the Ottoman Agricultural Bank. These new branches worked very well, but it is pleasant to think that one such was started by the Deutsche Bank at Bagdad in October, 1916, which now has its shutters up. Before this, as we learn from the *Oesterreichischer Volkswirt* (June, 1916), Germany had issued other gold notes, in payment for gold from Turkey, which is retainable in Berlin till six months after the end of the war. (It is reasonable to wonder whether it will not be retained rather longer than that.) These gold notes were accepted willingly at first by the public, but the increase in their number (by the second issue) has caused them to be viewed with justifiable suspicion, and the depreciation in them continues. But the Turkish public has no redress except by hoarding gold, which is a penal offence. That these arrangements have not particularly

helped Turkish credit may be gathered from the fact that the Turkish gold £1, nominally 100 piastres, is now worth 280 piastres.

Again, the Deutsche Orientbank has made many extensions, and is already financing cotton and wool trade for after the war. The establishment of this provoked much applause in German financial circles, who find it to be an instance of the "far-reaching and powerful Germano-Austrian unity, which replaces the disunion of Turkish finance." This is profoundly true, especially if we omit the word "Austrian," inserted for diplomatic reasons. Again we find Germany advancing £3,000,000 of German paper to the Turkish Government in January, 1917, for the payment of supplies they have received from Krupp's works and (vaguely) for interest to the German financial minister. This too, we may conjecture, is to be redeemed after the war in gold.

In March of this year we find in the report of the Ottoman Bank a German loan of £1,000,000 for the purchase of agricultural implements by Turkey, and this is guaranteed by house-taxes. In all up to that month, as was announced in the Chamber of Deputies at Constantinople, Germany had advanced to Turkey the sum of £142,000,000, entirely, it would seem, in German paper, to be repaid at various dates in gold. The grip, in fact, is a strangle-hold, all for Turkey's good, as no doubt will prove the "New Conventions" announced by Zimmermann in May, 1917, to take the place of the abolished Capitulations, "which left Turkey at the mercy of predatory Powers who looked for the disruption of the Ottoman Empire." Herr Zimmermann does not

look for that: he looks for its absorption. And sees it.

The industrial development of Turkey by this benevolent and disinterested Power has been equally thorough and far-reaching, though Germany here has had a certain amount of competition by Hungary to contend against, for Hungary considered that Germany was trespassing on her sphere of interest. But she has been able to make no appreciable headway against her more acute partner, and her application for a monopoly of sugar-production was not favourably received, for Germany already had taken the beet industry well in hand. In Asia Minor the acreage of cultivation early in 1917 had fallen more than 50 per cent. from that under crops before the war, but owing to the importation of machinery from the Central Powers, backed up by a compulsory Agricultural Service law, which has just been passed, it is hoped that the acreage will be increased this year by something like 30 per cent. The yield per acre also will be greatly increased this year, for Germany has, though needing artificial manure badly herself, sent large quantities into Turkey, where they will be more profitably employed. She has no fear about securing the produce. This augmented yield will, it is true, not be adequate to supply the needs of Turkey, who for the last two years has suffered from very acute food shortage, which in certain districts has amounted to famine and wholesale starvation of the poorer classes. But it is unlikely that their needs will be considered at all, for Germany's needs (she the fairy godmother of the Pan-Turk ideal) must obviously have the first call on

such provisions as are obtainable. Thus, though in February, 1917, there was a daily shortage in Smyrna of 700 sacks of flour, and the Arab and Greek population was starving, no flour at all was allowed to be imported into Smyrna. But simultaneously Germany was making huge purchases of fish, meat, and flour in Constantinople (paid for in German paper), including 100,000 sheep. Yet such was the villainous selfishness of the famine-stricken folk at Adrianople that when the trains containing these supplies were passing through a mob held them up and sold the contents to the inhabitants. That, however, was an isolated instance, and in any case a law was passed in October, 1916, appointing a military commission to control all supplies. It enacts that troops shall be supplied first, and specially ordains that the requirements of German troops come under this head. (Private firms have been expressly prohibited from purchasing these augmented wheat supplies, but special permission was given in 1915 to German and Austro-Hungarian societies to buy.) A few months later we find that there are a hundred deaths daily in Constantinople from starvation and 200 in Smyrna, where there is a complete shortage of oil. But oil is still being sent to Germany, and during 1916 five hundred reservoirs of oil were sent there, each containing up to 15,000 kilogrammes. But Kultur must be supplied first, else Kultur would grow lean, and the Turkish God of Love will look after the Smyrniotes. It is no wonder that the blockade of Germany does not produce the desired result a little quicker, for food is already pouring in

from Turkey, and when the artificial manures have produced their early harvest the stream will become a torrent.

But during all these busy and tremendous months of war Germany has not only been denuding Turkey of her food supplies, for the sake of the Pan-Turkish ideal; in the same altruistic spirit she has been vastly increasing the productiveness of her new and most important colony. There is a great irrigation work going on in Konia, and another at Adana financed by the Deutsche Bank. Ernst Marre gives us a capital account of this, for Adana was already linked up with the Bagdad railway in October, 1916, which was to be the great artery connecting Germany with the East. There is some considerable shortage of labour there (owing in part to the Armenian massacres, to which we shall revert presently), but the financial arrangements are in excellent shape. The whole of the irrigation works are in German hands and have been paid for by German paper; and to get the reservoirs, &c., back into her own control it has been agreed that Turkey, already completely bankrupt, will have to pay not only what has been spent, but a handsome sum in compensation; while, as regards shortage of labour, prisoners have been released in large numbers to work without pay. This irrigation scheme at Adana will increase the cotton yield by four times the present crop, so we learn from the weekly Arab magazine, *El Alem el Ismali*, which tells us also of the electric-power stations erected there.

The same paper (October, 1916) announces to the Anatolian merchants that transport is now easy, owing to the arrival of engines and trucks from Germany, while *Die Zeit* (February, 1917) prophesies a prosperous future for this Germano-Turkish cotton combine. Hitherto Turkey has largely imported cotton from England; now Turkey—thanks to German capital on terms above stated—will, in the process of internal development so unselfishly devised for her by Germany, grow cotton for herself, and be kind enough to give a preferential tariff to Germany.

A similarly bright future may be predicted for the irrigation scheme at Konia, where will arise a sugar-beet industry. Artesian wells have been sunk, and there is the suggestion to introduce Bulgarian labour in default of Turkish. As we have seen, Hungary attempted to obtain a monopoly with regard to sugar, but Germany has been victorious on this point (as on every other when she competes with Hungary) and has obtained the concession for a period of thirty years. A similar irrigation scheme is bringing into cultivation the Makischelin Valley, near Aleppo, and Herr Wied has been appointed as expert for irrigation plant in Syria.

Indeed, it would be easier to enumerate the industries and economical developments of Turkey over which Germany has not at the present moment got the control than those over which she has. In particular she has shown a parental interest in Turkish educational questions. She established last year, under German management, a school for the study of German in Constantinople; she

has put under the protection of the German Government the Jewish institution at Haifa for technical education in Palestine; from Sivas a mission of schoolmasters has been sent to Germany for the study of German methods. Ernst Marre surmises that German will doubtless become compulsory even in the Turkish intermediate (secondary) schools. In April, 1917, the first stone of the "House of Friendship" (!) was laid at Constantinople, the object of which institution is to create among Turkish students an interest in everything German, while earlier in the year arrangements were made for 10,000 Turkish youths to go to Germany to be taught trades. These I imagine were unfit for military service. With regard to such a scheme Halil Haled Bey praises the arrangement for the education of Turks in Germany. When they used to go to France, he tells us, "they lost their religion" (certainly Prussian Gott is nearer akin to Turkish Allah) "and returned home unpatriotic and useless. In Germany they will have access to suitable religious literature" (Gott!) "and must adopt all they see good in German methods without losing their original characteristics." Comment on this script is needless. The hand is the hand of Halil Haled Bey, but the voice is the voice of Prussia! Occasionally, but rarely, Austrian competition is seen. Professor Schmoller, in an Austrian quarterly review, shows jealousy of German influence, and we find in October, 1916, an Ottoman-Austrian college started at Vienna for 250 pupils of the Ottoman Empire. But Germany has 10,000 in Berlin. At Adana (where are the German irrigation works) the German-Turkish

Society has opened a German school of 300, while, reciprocally, courses in Turkish have been organised at Berlin for the sake of future German colonists. In Constantinople the *Tanin* announces a course of lectures to be held by the Turco-German Friendship Society. Professor von Marx, of Munich, discoursed last April on foreign influence and the development of nations, with special reference to Turkey and the parallel case of Germany.

So much for German education, but her penetrative power extends into every branch of industry and economics. In November, 1916, a Munich expert was put in charge of the College of Forestry, and an economic society was started in Constantinople on German lines with German instructors. Inoculation against small-pox, typhoid, and cholera was made compulsory; and we find that the Turkish Ministers of Posts, of Justice, and of Commerce, figureheads all of them, have as their acting Ministers Germans. In the same year a German was appointed as expert for silkworm breeding and for the cultivation of beet. Practically all the railways in Asia Minor are pure German concerns by right of purchase. They own the Anatolian railway concession (originally British), with right to build to Angora and Konia; the Bagdad railway concession, with preferential rights over minerals; they have bought the Mersina-Adana railway, with right of linking up to the Bagdad railway; they have bought the Smyrna-Cassaba railway, built with French capital. They have secured also the Haidar Pasha Harbour concession, thereby controlling and handling all merchandise arriving

at railhead from the interior of Asia Minor. Meantime railway construction is pushed on in all directions under German control, and the Turkish Minister of Finance (August, 1916) allocates a large sum of paper German money for the construction of ordinary roads, military roads, local government roads, all of which are new to Turkey, but which will be useful for the complete German occupation which is being swiftly consolidated. To stop the mouths of the people, all political clubs have been suppressed by the Minister of the Interior, for Prussia does not care for criticism. To supply German ammunition needs, lead and zinc have been taken from the roofs of mosques and door-handles from mosque gates, and the iron railings along the Champs de Mars at Pera have been carted away for the manufacture of bombs. A Turco-German convention signed in Berlin in January of this year permits subjects of one country to settle in the other while retaining their nationality and enjoying trading and other privileges. In Lebanon Dr. König has opened an agricultural school for Syrians of all religions. In the Homs district the threatening plague of locusts in February, 1917, was combated by Germans; and a German expert, Dr. Bucher, had been already sent to superintend the whole question. For this concerns supplies to Germany, as does also the ordinance passed in the same month that two-thirds of all fish caught in the Lebanon district should be given to the military authorities (these are German) and that every fish weighing over 6oz. in the Beirut district should be *Korban* also. The copper mines at Anghana Maden,

near Diarbekr, are busy exporting their produce into Germany.

There is no end to this penetration: German water-seekers, with divining and boring apparatus, accompanied the Turkish expedition into Sinai; Russian prisoners were sent by Germany for agricultural work in Asia Minor, to take the place of slaughtered Armenians; a German-Turkish treaty, signed January 11, 1917, gives the whole reorganisation of the economic system to a special German mission. A Stuttgart journal chants a characteristic "*Lobgesang*" over this feat. "That is how," it proudly exclaims, "we work for the liberation of peoples and nationalities."

In the same noble spirit, we must suppose, German legal reforms were introduced in December, 1916, to replace the Turkish Shariat, and in the same month all the Turks in telegraph offices in Constantinople were replaced by Germans. Ernst Marre, in his "Turks and Germans after the War" (1916), gives valuable advice to young Germans settling in Turkey. He particularly recommends them, knowing how religion is one of the strongest bonds in this murderous race, to "trade in articles of devotion, in rosaries, in bags to hold the Koran," and points out what good business might be built up in gramophones. Earlier in this year we find a "German Oriental Trading Company" founded for the import of fibrous materials for needs of military authorities, and a great carpet business established at Urfa with German machinery that will supplant the looms at Smyrna. A saltpetre factory is established at Konia by Herr Toepfer, whose

enterprise is rewarded with an Iron Cross and a Turkish decoration. The afforestation near Constantinople ordered by the Ministry of Agriculture is put into German hands, and in the vilayet of Aidin (April, 1916) ninety concessions were granted to German capitalists to undertake the exploitation of metallic ores. Occasionally the German octopus finds it has gone too far for the moment and releases some struggling limb of its victim, as, for instance, when we see that in September, 1916, the German Director's stamp for the "Imperial German Great Radio Station" at Damascus has been discarded temporarily, as that station "should be treated for the present as a Turkish concern."

A "Trading and Weaving Company" was established at Angora in 1916, an "Import and Export Company" at Smyrna, a "Trading and Industrial Society" at Beirut, a "Tobacco Trading Company" at Latakieh, an "Agricultural Company" at Tripolis, a "Corn Exporting Company" in Lebanon, a "Rebuilding Commission" (perhaps for sacked Armenian houses) at Konia. More curious yet will be a Tourist's Guide Book—a Baedeker, in fact—for travellers in Konia and the erection of a monument in honour of Turkish *women* who have replaced men called up for military duty. Truly these last two items—a guide book for Anatolia and a monument to women—are strange enterprises for Turks. A new Prussian day is dawning, it seems, for Turkish women as well, for the *Tanin* (April, 1917) tells us that diplomas are to be conferred on ladies who have completed their studies in the Technical School at Constantinople.

It is needless to multiply instances of German penetration: I have but given the skeleton of this German monster that has fastened itself with tentacles and suckers on every branch of Turkish industry. There is none round which it has not cast its feelers—no Semitic moneylender ever obtained a surer hold on his victim. In matters naval, military, educational, legal, industrial, Germany has a strangle-hold. Turkey's life is already crushed out of her, and, as we have seen, it has been crushed out of her by the benevolent Kultur-mongers who, among all the Great Powers of Europe, sacrificed their time and their money to the achievement of the Pan-Turkish ideal. Silently and skilfully they worked, bamboozling their chief tool, Enver Pasha, even as Enver Pasha bamboozled us. As long as he was of service to them they retained him; for his peace of mind at one time they stopped up all letter-boxes in Constantinople because so many threatening letters were sent him. But now Enver Pasha seems to have had his day; he became a little autocratic and thought that he was the head of the Pan-Turkish ideal. So he was, but the Pan-Turkish ideal had become Pan-Prussian, and he had not noticed the transformation. Talaat Bey has taken his place; it is he who in May, 1917, was received by the Emperor William, by King Ludwig, and by the Austrian Emperor, and he who is the mouthpiece of the German efforts to make a separate peace with Russia. Under Czardom, he proclaimed, the existence of Turkey was threatened, but now the revolution has made friendship possible, for Russia no longer desires territorial annexation. And, oh,

how Turkey would like to be Russia's friend! Enver Pasha has been thrown aside for contumacy, and I cannot but think it curious that when on April 2, 1917, he visited the submarine base at Wilhelmshaven he was very nearly killed in a motor-accident. But it may have been an accident. Since then I cannot find that he has taken any more active part in Pan-Turkish ideals than to open a soup-kitchen in some provincial town.

I have left to the end of this essay the question of Germany's knowledge of and complicity in the Armenian massacres. From the tribune of the Reichstag on January 15, 1916, there was made a definite denial of the existence of such massacres at all; on another subsequent occasion it was stated that Germany could not interfere in Turkish internal affairs.

In view of the fact that there is no internal affair appertaining to Turkey in which Germany has not interfered, the second of these statements may be called insincere. But the denial of the massacres is a deliberate lie. Germany—official Germany—knew all about them, and she permitted them to go on. The proofs of this are here shortly stated.

(1) In September, 1915, four months before the denial of the massacres was made in the Reichstag, Dr. Martin Niepage, higher grade teacher in the German Technical School at Aleppo, prepared and sent, in his name and that of several of his colleagues, a report of them to the German Embassy at Constantinople. In that report he gives a terrible account of what he has seen with his own eyes, and also states that the country Turks'

explanation with regard to the origination of those measures is that it is "the teaching of the Germans." The German Embassy at Constantinople therefore knew of the massacres, and knew also that the Turks attributed them to orders from Germany. Dr. Niepage also consulted, before sending his report, with the German Consul at Aleppo, Herr Hoffman, who told him that the German Embassy had been already advised in detail about the massacres from the consulates at Alexandretta, Aleppo, and Mosul, but that he welcomed a further protest on the subject.

(2) These reports, or others like them, had not gone astray, for in August, 1915, the German Ambassador in Constantinople made a formal protest to the Turkish Government about the massacres.

There is, then, no doubt that the German Government, when it officially denied the massacres, was perfectly cognisant of them. It was also perfectly capable of stopping them, for they were not local violences, but wholesale murders organised at Constantinople. Germany had indeed already given assurances that such massacres should not occur. She had assured the Armenian Katholikos at Adana that so long as Germany had any influence in Turkey he need not fear a repetition of the horrors that had taken place under Abdul Hamid. Had she, then, no influence in Constantinople, or how was it that she had obtained complete control over all Turkish branches of government? The same assurance was given by the German Ambassador in April, 1915, to the Armenian Patriarch and the President of the Armenian National Council.

So, in support of the Pan-Turkish ideal and in the name of the Turkish Allah, the God of Love, Germany stood by and let the infamous tale of lust and rapine and murder be told to its end. The Turks had planned to exterminate the whole Armenian race except some half-million, who would be deported penniless to work at agricultural developments under German rule, but this quality of Turkish mercy was too strained for Major Pohl, who proclaimed that it was a mistake to spare so many. But he was a soldier, and did not duly weigh the claims of agriculture.

The choice was open to Germany; Germany chose, and let the Armenian massacres go on. But she was in a difficulty. What if the Turkish Government retorted (perhaps it did so retort), "You are not consistent. Why do you mind about the slaughter of a few Armenians? What about Belgium and your atrocities there?"

And all the ingenuity of the Wilhelmstrasse would not be able to find an answer to that.

I do not say that Germany wanted the massacres, for she did not. She wanted more agricultural labour, and I think that, if only for that reason, she deprecated them. But she allowed them to go on when it was in her power to stop them, and all the perfumes of Arabia will not wash clean her hand from that stinking horror.

Here, then, are some of the problems which those who, at the end of the war, will have to deal with the problem of Turkey must tackle. It is just as well to recognise that at the present moment Turkey is virtually and actually a German colony,

and the most valuable colony that Germany has ever had. It will not be enough to limit, or rather abolish, the supremacy of Turkey over aliens and martyred peoples; it will be necessary to abolish the supremacy of Germany over Turkey. To do this the victory of our Allied Nations must be complete, and Germany's octopus monopoly of Turkish industries severed. Otherwise we shall immediately be confronted with a Germany that already reaches as far as Mesopotamia. That is done now; and that, before there can come any permanent peace for Europe, must be undone. Nothing less than the complete release of that sucker and tentacle embrace will suffice.

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13

Home Drying Manual for Vegetables and Fruits 1917

PUBLISHED BY THE
National Emergency Food Garden Commission
210-220 Maryland Building, Washington, D. C.

FOOD DRYING A NATIONAL NEED

Drying vegetables and fruits for winter use is one of the vital national needs of wartime. As a national need it becomes a patriotic duty. As a patriotic duty it should be done in every family.

Failure to prepare vegetables and fruits for winter use by Drying is one of the worst examples of American extravagance. During the summer nature provides an over-abundance. This year, with the planting of 2,000,000 home food gardens, stimulated by the National Emergency Food Garden Commission, this abundance will be especially large. The excess supply is not meant to go to waste. The over-abundance of the summer should be made the normal supply of the winter. The individual family should conduct Drying on a liberal scale. In no other way can there be assurance that America's food supply will meet our own needs. In no other way, surely, can we answer the enormous demands made upon us for furnishing food for our European Allies.

IMPORTANCE OF FOOD THRIFT

The reckless extravagance of living from hand to mouth has become a national trait. So frequently today's order from the grocer is for today's needs. The needs of tomorrow and next winter are left to take care of themselves. This results in heavy loss of food products during the growing season, when they are plentiful, and high prices during the winter when production is stopped. Winter buying of vegetables and fruits is costly. It means that you pay transportation, cold-storage and commission

merchants' charges and profits. Summer is the time of lowest prices. Summer, therefore, is the time to buy for winter use.

Every pound of food products grown this year will be needed to combat Food Famine. The loss that can be prevented, the money saving that can be effected and the transportation relief that can be brought about make it essential that every American household should make vegetable and fruit Drying a part of its program of Food Thrift. The results can be gained in no other way.

Vegetable and fruit Drying has been little practiced for a generation or more. Its revival on a general scale is the purpose of this manual. There is no desire to detract from the importance of canning operations. Drying must not be regarded as taking the place of the preservation of vegetables and

used for cooking. It may also be done on sheets of paper or lengths of muslin spread in the sun.

Apparatus for home Drying on a large scale may be made at home or bought at a small cost. Still larger equipment may be bought for community drying operations in which a group of families combine for cooperative work, at a school or other convenient center. This latter is especially recommended as making possible the use of the most improved outfits at slight cost to the individual family.

METHODS OF DRYING

For home Drying satisfactory results are obtained by any one of three principal methods. These are:

1. Sun Drying.
2. Drying by Artificial Heat.
3. Drying by Air-blast. (As with an electric fan.)

These methods may be combined to good advantage.

SUN DRYING

For Sun Drying of vegetables and fruit the simplest form is to spread the slices or pieces on sheets of paper or lengths of muslin and expose them to the sun. Muslin is to be preferred if there is danger of sticking. Sun Drying requires days that are

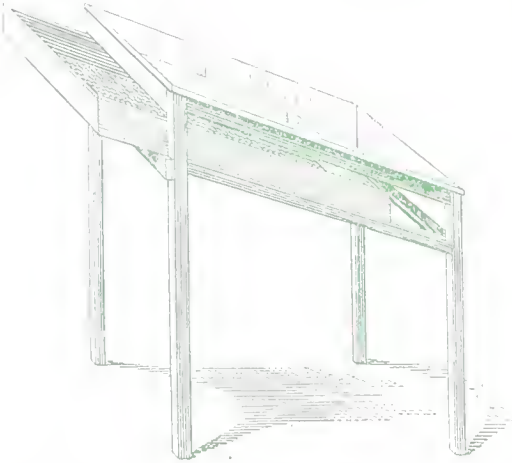


FIG. 1.—Small outdoor drier, easily made at home. It has glass top, sloping for best exposure to sun. The tray is shown partly projecting, to indicate construction. Protect openings around tray with cheesecloth, as explained on page 3.

fruits in tins and glass jars. It must be viewed as an important adjunct thereto. Drying is important and economical in every home, whether on the farm, in the village, in the town, or in the city. For city dwellers it has the special advantage that little storage space is required for the dried food. One hundred pounds of some fresh vegetables will reduce to 10 pounds in drying without loss of flavor or food value.

This year's need for vegetable and fruit Drying is given added emphasis by the shortage of tin for the manufacture of cans. This condition has created an unusual demand for glass jars. For this year, therefore, Drying is of more than normal importance. Dried products can be stored in receptacles that could not be used for canning.

DRYING IS SIMPLE

A strong point in connection with vegetable and fruit Drying is the ease with which it may be done. Practically all vegetables and fruits may be dried. The process is simple. The cost is slight. In every home the necessary outfit, in its simplest form, is already at hand. Effective Drying may be done on plates or dishes placed in the oven, with the oven door partially open. It may be done on the back of the kitchen stove, with these same utensils, while the oven is being

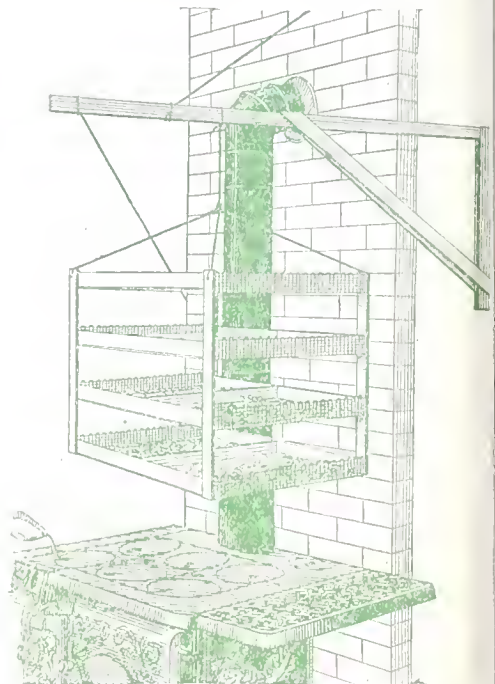


FIG. 2.—Homemade drier suspended from swinging crane over cookstove. Described on page 4.

bright and hot, with the air free from moisture. Care must be taken to provide protection from rain or dew, and just before sunset the vegetables or fruits which are being dried should be taken indoors over night. There should be a covering of cheesecloth, for the reason that if flies, moths, or other insects deposit their eggs on the pieces spoilage will result when the eggs hatch. The food should be carefully covered at all times and toward night extra precautions must be taken by carefully fastening the edges of the covering, as the danger from moths is then greatest. Once or twice a day the product should be turned over or stirred and the thinner pieces, which dry first, taken out. Sun Drying has the double advantage of requiring no expense for fuel and of freedom from danger of overheating.

Another form of Sun Drying is by the use of trays. To make a tray cheaply use strips of lumber three-quarters of an inch thick and 2 inches wide for the sides and ends. To form the bottom, laths should be nailed to these strips, with spaces of one-eighth of an inch between laths to permit air circulation. A length of 4 feet, corresponding to the standard length of laths, is economical. Instead of the laths galvanized wire screen, with openings of one-eighth or one-quarter of an inch may be used. In using wire, the size of the tray should be regulated by the width of wire screen obtainable. The trays should be of uniform size in order that they may be stacked together for convenience in handling.

A small homemade Sun Drier, easily constructed (Fig. 1), is made of light strips

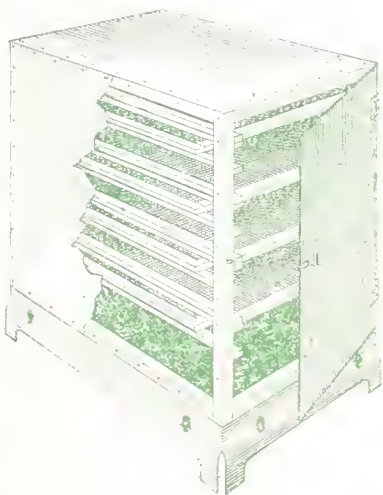


FIG. 3.—Another homemade drier. This sets on top of stove. Described on page 4.

of wood, a sheet of glass, a small amount of galvanized wire screen and some cheesecloth. A convenient size for the glass top is 18 by 24 inches. To hold the glass make a light wooden frame of strips of wood $\frac{1}{2}$ -inch thick and 1 inch wide. This frame should have legs of material 1 by $1\frac{1}{2}$ inches,

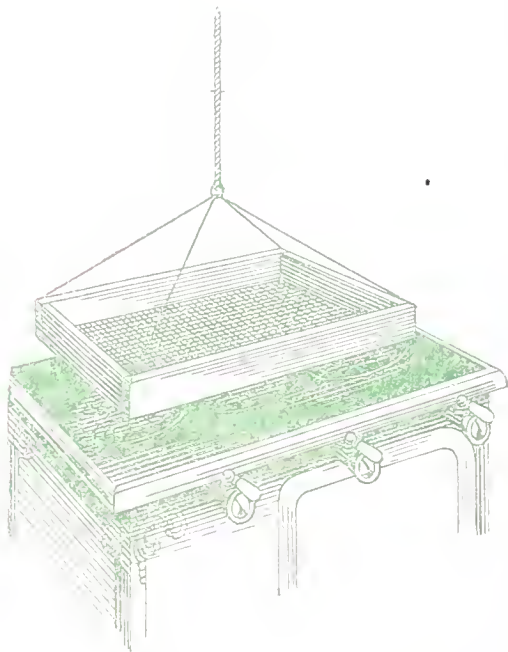


FIG. 4.—Simple drier made at home. This is merely a tray hung over cookstove.

with a length of 12 inches for the front legs and 18 inches for those in the rear. This will cause the top to slope, which aids in circulation of air and gives direct exposure to the rays of the sun. As a tray support, nail a strip of wood to the legs on each of the four sides, about 4 inches below the top framework and sloping parallel with the top. The tray is made of thin strips of wood about 2 inches wide and has a galvanized wire screen bottom. There will be a space of about 2 inches between the top edges of the tray and the glass top of the Drier, to allow for circulation. Protect both sides, the bottom and the front end of the Drier with cheesecloth tacked on securely and snugly, to exclude insects and dust without interfering with circulation. At the rear end place a cheesecloth curtain tacked at the top but swinging free below, to allow the tray to be moved in and out. Brace the bottom of this curtain with a thin strip of wood, as is done in window shades. This curtain is to be fastened to the legs by buttons when the tray is in place.

DRYING BY ARTIFICIAL HEAT

Drying by artificial heat is done in the oven or on top of a cookstove or range, in trays suspended over the stove or in a specially constructed drier built at home or purchased.

Oven Drying.—The simplest form of Oven Drying is to place small

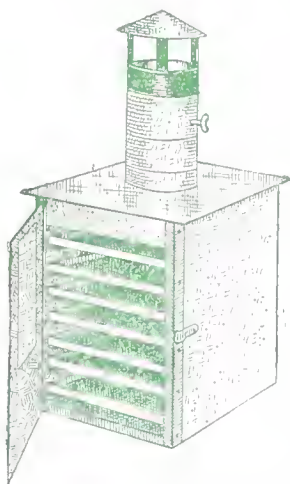


FIG. 5.—Commercial drier for use on top of stove or with its own furnace. Made without furnace, in sizes costing from \$16 to \$60; with furnace, \$24 to \$120.

quantities of food-stuffs on plates in a slow oven. In this way leftovers and other bits of food may be saved for winter use with slight trouble and dried while the stove is being used for cooking. This is especially effective for sweet corn. A few sweet potatoes, apples or peas, or even a single turnip may be dried and saved. To keep the heat from being too great leave the oven door partially open. For oven use a simple tray may be made of galvanized wire screen of convenient size, with the edges bent up for an inch or two on each side.

Drying on top of or over stove or range.—An effective Drier for use over a stove or range may be made easily at home. Such a Drier is shown in Fig. 2. For the frame use strips of wood $\frac{1}{2}$ -inch thick and 2 inches wide. The trays or shelves are made of galvanized wire screen of small mesh tacked to the supports; or separate trays sliding on strips attached to the framework may be made. This Drier may be suspended from the ceiling over the kitchen stove or range or over an oil, gasoline, or gas stove, and it may be used while cooking is being done. If an oil stove is used there must be a tightly fitting tin or galvanized iron bottom to the Drier, to prevent the fumes of the oil from reaching and passing through the material which is to be dried. A bottom of this kind may be easily attached to any Drier, either homemade or commercial. A framework as shown in Fig. 2 makes it possible for this Drier to be swung to one side when not in use.

In Fig. 3 is shown another form of Homemade Cookstove Drier, more pretentious than that shown in Fig. 2, but still

easily and cheaply made. A good size for this is: base, 16 by 24 inches; height, 36 inches. The lower part, or supporting framework, 6 inches high, is made of galvanized sheet iron, slightly flaring toward the bottom, and with two ventilating holes in each of the four sides. The frame, which rests on this base, is made of strips of wood 1 or $1\frac{1}{2}$ inches wide. Wooden strips, $1\frac{1}{4}$ inches wide, and 3 inches apart, serve to brace the sides and furnish supports for the trays.

In a Drier of the dimensions given there is room for eight trays. The sides, top and back are of galvanized iron or tin sheets, tacked to the framework, although thin strips of wood may be used instead of the metal. Small hinges and thumb latch are provided for the door. Galvanized sheet iron, with numerous small holes in it, is used for making the bottom of the Drier. To prevent direct heat from coming in contact with the product, and also to distribute the heat by radiation, a piece of galvanized sheet iron is placed 2 inches above the bottom. This piece is 3 inches shorter and 3 inches narrower than the bottom and rests on two wires fastened to the sides.

The trays are made of wooden frames of 1-inch strips to which is tacked galvanized wire screen. Each tray should be 3 inches shorter than the Drier and enough narrower to allow it to slide easily on the supports in being put in or taken out.

In placing trays in the Drier push the lower one back as far as it will go, leaving a 3-inch space in front. Place the next tray even with the front, leaving the space at the back. Alternate all the trays in this way, to facilitate the circulation of the heated air. It is well to have a ventilating opening, 6 by 2 inches, in the top of the Drier to discharge moisture. It is helpful to shift the trays during the drying process, to procure uniformity of drying.

One of the simplest forms of homemade Drier is a tray with bottom of galvanized wire screen, suspended over stove or range, as shown in Fig. 4.

Commercial Driers.—Cookstove Driers are in the market in several types. One of these, shown in Fig. 5, has a series of trays in a framework, forming a compartment. This is placed on top of the stove. Similar

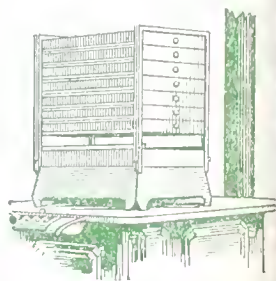


FIG. 6.—Another type of commercial drier for use on top of stove. Its cost is \$6.

Driers are shown in Figs. 6, 7, and 8. Another, shown in Fig. 9, is a shallow metal box to be filled with water, and so constructed that one end may rest on the back of the stove and the other on a leg reaching to the floor, or it may be suspended over a lamp. This may be bought for \$6 in a size having capacity of 1 to 2 bushels a day, or for \$12 with a capacity of 2 to 4 bushels.

Commercial Driers having their own furnaces may be bought at prices ranging from \$24 to \$120. This type is pictured in Figs. 10, 11 and 12. Some of these, in the smaller sizes, may be bought without furnace, and used on the top of the kitchen stove, as Fig. 5. The cost is from \$16 upwards.

DRYING BY AIR BLAST (ELECTRIC FAN)

The use of an electric fan is an effective means of Drying. Fig. 13 shows how this household article is used. Sliced vegetables or fruits are placed on trays 1 foot wide and 3 feet long. These trays are stacked and the fan placed close to one end, with the current directed along the trays, lengthwise. The number of trays to be used is regulated by the size of the fan. Drying by this process may be done in twenty-four hours or less. With sliced string beans, and shredded sweet potatoes a few hours is sufficient.

SOME OF THE DETAILS OF DRYING

As a general rule vegetables or fruits, for Drying, must be cut into slices or shreds, with the skin removed. In using artificial heat be careful to start at a comparatively low temperature and gradually increase. Details as to the proper scale of temperatures for various vegetables and fruits are given in the directions in this manual and in the time table on page 11. To be able to gauge the heat accurately a thermometer must be used. An oven thermometer may be bought at slight cost or the ordinary chemical thermometer may be suspended in oven or Dryer. It should be remembered that excessive heat will cause a chemical thermometer to break.

In the detailed instructions on pages 7, 8, and 9, the temperatures used are Fahrenheit. The time and temperatures indicated are for Drying by artificial heat.

The actual time required for Drying cannot be given, and the person in charge must exercise judgment on this point. A little experience will make it easy to determine when products are sufficiently dried. When first taken from the Dryer vegetables should be rather brittle but not so dry as to snap or crackle, and fruits rather leathery and pliable. Raspberries, particularly, should not be dried too hard, as this will keep them from resuming their natural shape when soaked in water for use. Material will mold if not dried enough.

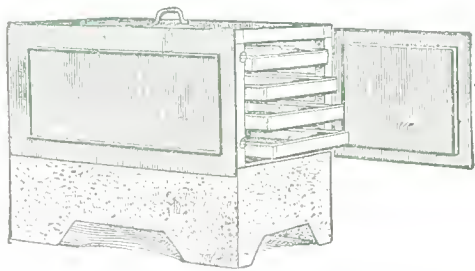


FIG. 8.—Another commercial drier for use on top of cookstove.

CONDITION BEFORE STORING

It is important to "condition" Dried Products, before storing them for the winter. This means that they should be placed in boxes and poured from one box to another once a day for three or four days to mix thoroughly. If any part of the material is then found to be too moist, return to Dryer for a short Drying. **PRACTICALLY ALL DRIED PRODUCTS SHOULD BE CONDITIONED.**

PREPARING FOOD MATERIAL FOR DRYING

A sharp kitchen knife will serve every purpose in slicing and cutting vegetables and fruits for Drying, if no other device is at hand. The thickness of the slices should be from an eighth to a quarter of an inch. Whether sliced or cut into strips the pieces should be small so as to dry quickly. They should not, however, be so small as to make them hard to handle or to keep them from being used to advantage in preparing dishes for the table such as would be prepared from fresh products. Meat grinders are useful with some materials and there are kraut slicers on the market which may be used to advantage in cutting potatoes and cabbage and other products. A rotary slicer may also be used.

Vegetables and fruits for Drying should be fresh, young and tender. As a general rule root vegetables should be peeled. Cleanliness is imperative. Knives and



FIG. 7.—A commercial drier that leaves room for cooking on top of cookstove.

slicing devices must be carefully cleansed before and after use. A knife that is not bright and clean will discolor the product on which it is used. Root crops must be washed so thoroughly that no earthy flavor or smell will remain. A single decayed root will injure the flavor of a large quantity of prepared material.

BLANCHING AND COLD DIPPING

Blanching is desirable for successful vegetable Drying. Blanching gives more thorough cleansing, removes strong odors and flavors, and softens and loosens the fiber, allowing quicker and more uniform evaporation of the moisture. It is done by

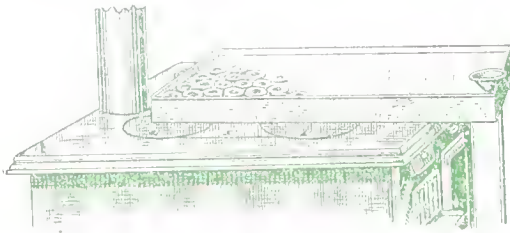


FIG. 9.—Commercial drier costing \$6 to \$12, placed on top of cookstove and supported at one end by a leg reaching the floor. This drier may be suspended over a lamp.

placing the vegetables in a piece of cheesecloth, a wire basket or other porous container and plunging them into boiling water. The time required for this is short and varies with different vegetables. For the proper time in each case consult the directions given for Drying on pages 7, 8 and 9 and the time table on page 11. Blanching should be followed by the cold dip, which means plunging the vegetables into cold water for an instant after removal from the hot water. Cold dipping hardens the pulp and causes vegetables to retain their original coloring. After blanching and dipping, the surface moisture should be removed by placing the vegetables between two towels or by exposure to the sun.

STORAGE FOR DRIED PRODUCTS

Of importance equal to proper Drying is the proper packing and storage of the finished product. With the scarcity of tins and the high prices of glass jars it is recommended that other containers be used. Those easily available are baking powder cans and similar covered tins, pasteboard boxes having tight fitting covers, strong paper bags, and patented paraffin paper

boxes, which may be bought in quantities at comparatively low cost. A paraffin container of the type used by oyster dealers for the delivery of oysters will be found inexpensive and easily handled. This is shown in Fig. 14. If using this, or a baking powder can or similar container, after filling adjust the cover closely. The cover should then be sealed. To do this paste a strip of paper around the top of the can covering the joint between can and cover, for the purpose of excluding air. Pasteboard boxes should also be sealed in this way. Paraffin containers should be sealed by applying melted paraffin with a brush to the joint. Fig. 15 shows a 3-lb. butter container which may be used.

The products should be stored in a cool, dry place, well ventilated and protected from rats, mice and insects. In sections where the air is very moist moisture-proof containers must be used. It is good practice to use small containers so that it may not be necessary to leave the contents exposed long after opening and before using. If a paper bag is used the top should be twisted, doubled over and tied with a string. Moisture may be kept out of paper bags by coating them by using a brush dipped into melted paraffin. Another good precaution is to store bags within an ordinary lard pail or can or other tin vessel having a closely fitting cover. It is desirable to examine products within twenty-four hours after packing to see if moisture remains. If it is found that the material is still moist it should be dried further, to prevent molding. For convenience all packages should be carefully labeled.

DANGER FROM INSECTS

In addition to exercising great care to protect vegetables and fruits from insects during the Drying process, precautions should be taken with the finished product to prevent the hatching of eggs that may have been deposited. One measure that is useful is to subject the dried material to a heat of 160° F. before storing it away. If this heat is applied long enough to penetrate throughout such part as may be infested, the eggs will be killed.

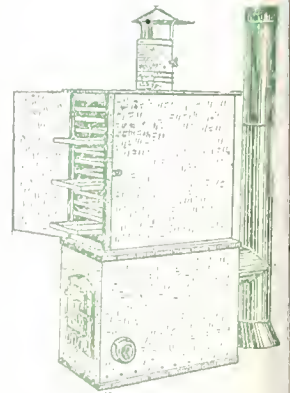


FIG. 10.—One type of commercial drier with furnace, in sizes costing from \$24 to \$120.

WINTER USE OF DRIED PRODUCTS

In preparing dried vegetables and fruits for use the first process is to restore the water which has been dried out of them. This requires time. In general the longer the Drying process, the longer the soaking required.

After soaking, dried products may be cooked in almost any of the ways in which fresh ones may be cooked, according to recipes in most cook books.

DIRECTIONS FOR VEGETABLE DRYING

Green String Beans.—Select only such beans as are in perfect condition for table use. Wash carefully and string. If full grown they should be slit lengthwise or cut—not snapped—into pieces $\frac{1}{4}$ to 1 inch long. If young and tender dry them whole. Blanch six to ten minutes. To set color add one-half teaspoonful of soda to each gallon of boiling water. After blanching, dip quickly into cold water, then drain thoroughly to remove surface moisture. Drying time for young beans two hours; for those more mature, three hours. Start at temperature of 110° F. and raise gradually to 145° .

Wax Beans.—These are dried in the same manner as green string beans.

Lima Beans.—If lima beans are gathered when young and tender, shell them, wash, and then blanch five to ten minutes, the time varying with maturity and size. Cold dip. Remove surface moisture. Drying time three to three and one-half hours. Start at temperature of 110° F. and raise gradually to 145° .

Garden Peas.—Garden peas with nonedible pod are taken when of size suitable for table use. Blanch three to five minutes, cold dip, remove surface moisture and spread in single layers on trays. Drying time three to three and one-half hours. Start at temperature of 110° F. raising slowly, in

about one and one-half hours, to 145° and then continue one and one-half to two hours at 145° .

For use in soups or puree shell mature peas, pass them through a meat grinder, spread the pulp on trays and dry.

With young and tender sugar peas use the pod also. After washing, cut into $\frac{1}{4}$ -inch pieces. Blanch six minutes, cold-dip, and remove surface moisture. Drying time

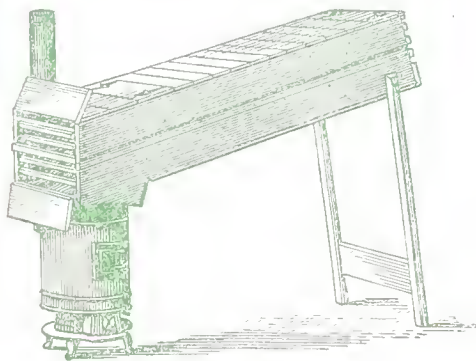


FIG. 12.—Commercial drier with furnace, in sizes costing from \$75 to \$650.

three to three and one-half hours. Start at temperature of 110° F. and raise gradually to 145° . The use of soda is unnecessary.

Sweet Corn.—Select ears that are young and tender and freshly gathered. Blanch on cob in steam or boiling water—preferably steam—for five to ten minutes to set milk. If boiling water is used, add a teaspoonful of salt to each gallon. Cold-dip, drain thoroughly, cut off half the kernel with a sharp knife and scrape off the remainder, taking care not to include the chaff. Drying time, three to four hours. Start at temperature of 110° F., and raise gradually to 145° .

In using field corn it should be taken at the roasting-ear period of ripeness and the ears should be plump.

To prepare for sun-drying, corn should first be dried in the oven for ten or fifteen minutes. After sun drying is completed, the corn should again be heated in oven to kill possible insect eggs.

Carrots and Parsnips.—Clean thoroughly and remove outer skin, preferably with a stiff bristle brush; or the skin may be removed by paring or scraping. Slice into thickness of $\frac{3}{8}$ of an inch. Blanch six minutes, cold-dip and remove surface moisture. Drying time, two and one-half to three hours. Start at temperature of 110° F. and raise gradually to 150° .

Kohlrabi, Celeriac and Salsify are dried in the same way as Carrots and Parsnips.

Onions and Leeks.—After washing, peel-

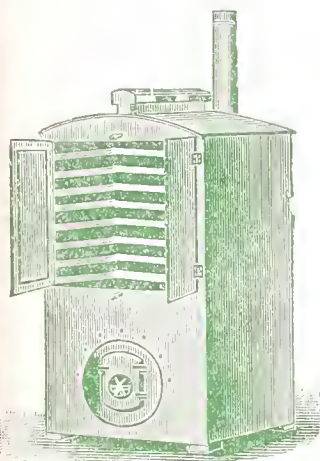


FIG. 11.—Another type of commercial drier with furnace.

ing and cutting into $\frac{3}{8}$ to $\frac{1}{4}$ -inch slices for onions, and $\frac{1}{4}$ -inch strips for leeks, blanch in boiling water or steam for five minutes, cold-dip and remove surface moisture. Drying time, two and one-half to three hours. Start at temperature of 110° F. and raise gradually to 140° .

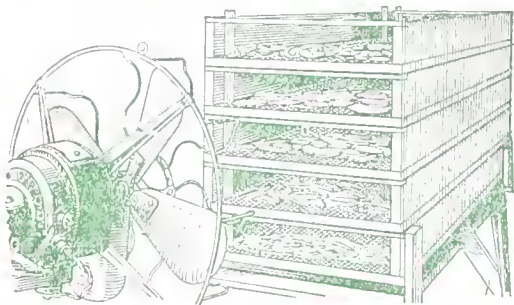


FIG. 13.—Series of trays with ends facing electric fan, for drying by air blast.

Beets.—Boil whole until more than three-fourths cooked, without removing skin. After dipping in cold water, peel and cut into $\frac{3}{8}$ to $\frac{1}{4}$ -inch slices. Drying time, two and one-half to three hours. Start at temperature of 110° F. and raise gradually to 150° .

Another method is to blanch long enough to loosen skin, cold-dip, slice and dry. Drying time and temperature approximately as in method given above.

Beet Tops and Swiss Chard.—Select tops of young beets suitable for greens. Wash carefully, cut leafstalk and blade into pieces $\frac{3}{4}$ of an inch long, spread on screens and dry.

Celery.—After washing carefully cut into 1-inch pieces, blanch three minutes, cold-dip and remove surface moisture. Dry slowly. Drying time, three to four hours. Start at temperature of 110° F. and raise to 140° .

Cabbage.—Take heads that are well developed. Remove all loose outside leaves. Shred or cut into strips a few inches long. Remove the hard core. Blanch ten minutes, cold dip, drain, remove surface moisture. Drying time, three hours. Start at temperature of 110° F. and raise gradually to 145° .

Pumpkin and Summer Squash.—After paring cut into $\frac{1}{2}$ -inch strips. Blanch three minutes. Cold-dip, remove surface moisture and dry slowly. Drying time, three to four hours. Start at temperature of 110° F. and raise to 140° .

Okra.—After washing, blanch three minutes in boiling water with one-half teaspoonful of soda to each gallon. Cold-dip. With young and tender pods dry whole; cut older pods into $\frac{1}{4}$ -inch slices. Drying time, two to three hours. Start at tem-

perature of 110° F. and raise gradually to 140° .

Okra may also be dried by being strung on a string and hung over the stove. This should not be done except with young and tender pods. Heat in oven before storing.

Cauliflower.—After cleaning, divide into small pieces. Blanch six minutes and cold-dip. Drying time, three to three and one-half hours. Start at temperature of 110° F. and raise to 145° . Although turning dark while drying, Cauliflower will regain part of original color in soaking and cooking. Dried Cauliflower is especially good for soups and omelets.

Brussels Sprouts.—The drying process is the same as with cauliflower, with the addition of a pinch of soda to the blanching water.

Rhubarb.—Slit the larger stems lengthwise, cut into $\frac{1}{2}$ to $\frac{3}{4}$ -inch lengths. Do not use the leaf. Blanch three minutes and cold-dip. Dry thoroughly. Start at temperature of 110° F. and raise gradually to 140° .

Peppers.—Steam until skin softens; or place in biscuit pan in oven and heat until skin blisters. Peel, split in half, take out seed. Start drying at temperature of 110° F. and gradually increase to 140° . Thick fleshed peppers, such as pimientos, must be dried very slowly and evenly. Small varieties of red peppers may be spread in the sun until wilted and the drying finished in a drier, or they may be entirely dried in the sun.

Another plan for drying peppers is to split them on one side, remove seed, start with air drying and finish in a drier at 140° .

Spinach, Parsley and other Herbs.—After washing carefully and removing leaves, slice, blanch four to six minutes in steam, cold-dip and dry in sun or by artificial heat, following directions for cabbage. If steam is not easily available dry without blanching or cold dipping.

Celery tops, mint, sage and herbs of all kinds for flavoring are treated in the same way.

Sweet Potatoes.—Wash, boil until almost cooked, peel, slice or run through meat chopper, spread on trays and dry until brittle. Sliced sweet potatoes may be dried without boiling. If this is done,



FIG. 14.—Paraffin paper container which sells at \$2 per hundred. By pasting strip of paper around top, where cover joins container, this can be made airtight. It is excellent for storing dried vegetables and fruits. It will last for years of use.

dipping in cold water just before drying will brighten color.

Soup Mixtures.—Vegetables for soup mixtures are prepared and dried separately. These are mixed as desired.

Tomatoes.—Blanch long enough to loosen skin, cold-dip, peel, slice to thickness of $\frac{1}{8}$ of an inch. Start at temperature of 110° F., and gradually raise to 140° , continuing until thoroughly dried. Another plan is after peeling, to cut crosswise in center, sprinkle with sugar and dry at temperature as above until the finished product resembles dried figs.

Asparagus.—The edible portion should be blanched from 3 to 5 minutes, cold dipped, the stalks slit lengthwise into two strips if of small or medium size or into four strips if of large size. Drying time 4 to 8 hours. Start at temperature of 110° F. and raise gradually to 140° .

The hard ends of the stalk, which are not edible, should be dried for soup stock. Blanch. 10 minutes, cold-dip, slice into 2 to 6 pieces, according to size, and dry as described above.

DIRECTIONS FOR FRUIT DRYING

Fruits may be dried in the sun until the surface begins to wrinkle, then finished in the drier. With stone fruits, such as peaches, plums, apricots and cherries, none but fruits that are fresh, ripe and in perfect condition should be used. With apples, pears and quinces effective thrift calls for using the sound portions of fruit that may be partially wormy or imperfect. When properly dried, fruits should be entirely free from moisture when pressed between the fingers on removal from drier. Line trays with cheesecloth or wrapping paper before spreading fruit on them. Cool quickly after drying to prevent shriveling.



FIG. 15.—Three-pound butter container of paraffin paper, costing \$7.50 per hundred. The cover wedges tightly into top and the seam may be coated with paraffin, making a good container for storing. This, too, may be used for several successive years.

Berries.—Pick over, removing all leaves and stems, wash and remove surface moisture, handling with care to prevent bruising. Spread in thin layers and dry slowly. The total drying time is four to five hours. Start at temperature of 110° F., raising to 125° in about two hours. Then raise temperature to 140° and maintain two to three hours longer.

Cherries.—After washing and removing surface moisture, spread unseeded in thin layers. Drying

time two to four hours. Start at temperature of 110° F., and raise gradually to 150° . If preferred the pits may be removed, although this causes loss of juice.

Plums and Apricots.—Select fruit that is medium ripe. Let stand in boiling water in covered vessel for twenty minutes. Drain and remove surface moisture. Drying time, four to six hours. Start at temperature of 110° F. and raise gradually to 150° . Do not use small, thin-fleshed varieties.

Apples, Pears and Quinces.—Pare, core and slice. If a light colored product is desired prepare one apple, pear or quince at a time and dip the slices immediately, for one minute, into cold water containing 8 teaspoonfuls of salt to the gallon. The salt water prevents discoloration. If preferred, core the whole fruit after peeling and slice into rings, dipping these for one minute into cold salted water as described above. Remove surface moisture. Drying time, four to six hours, or until leathery and pliable. Start at temperature of 110° F. and raise gradually to 150° . Pears may be steamed ten minutes after slicing and before drying. Quinces are treated in the same way as pears.

Peaches.—Cut into halves, remove pit, place pit surface up and dry as directed for apples. If it is desired to have peeled product, loosen the skins with solution made of 8 ounces of lye in $4\frac{1}{2}$ gallons of water. This solution should be boiling and the peaches plunged into it until the skin cracks. Then remove peaches and dip into four changes of cold water and rub off the skin with the hands. Cut into halves and dry as above.

PICKLING

Pickling is an important branch of home preparedness for the winter months. Instructions for some of the most commonly used methods are given herewith.

Green Tomato Pickle.—Take 4 quarts of green tomatoes, 4 small onions and 4 green peppers. Slice the tomatoes and onions thin. Sprinkle over them $\frac{1}{2}$ cup of salt and leave overnight in crock or enameled vessel. The next morning drain off the brine. Into a separate vessel put 1 quart vinegar, 1 level tablespoonful each of black pepper, mustard seed, celery seed, cloves, allspice and cinnamon and $\frac{3}{4}$ cup of salt. Bring to a boil and then add the prepared tomatoes, onions and peppers. Let boil for twenty minutes. Fill jars and seal while hot.

Pickled Onions.—Take small white onions of uniform size, peel, cover with fresh

water and let stand for two days, changing water after first twenty-four hours. Wash thoroughly and put into brine for four days, changing brine at end of second day. Remove from brine and place in boiling water for ten minutes, then place in cold water for two hours. Add a few red peppers and garnish with sprigs of mace, and pack into jars. Fill jars to overflowing with spiced vinegar which has stood for several days with spice bags left in it. Place in hot water as for pickles.

To make spiced vinegar take $\frac{1}{2}$ gallon vinegar, $1\frac{1}{2}$ tablespoonfuls each of mustard seed and celery seed, 1 tablespoonful each of cinnamon and salt, $\frac{1}{2}$ cup grated horseradish and 1 cup sugar.

Chowchow.—Take $\frac{1}{4}$ peck each of green tomatoes and small onions, 3 cauliflowers, 3 cucumbers, 6 large red peppers and $\frac{1}{4}$ peck of yellow string beans. Chop fine. Place overnight in brine made of 5 pints of water and 1 pound of salt. The next morning bring brine and vegetables to a boil for a few minutes. In separate vessel bring to a boil 1 gallon cider vinegar, to which add a paste of a small quantity of water, $\frac{1}{4}$ pound of ground mustard, $\frac{1}{4}$ ounce turmeric, 1 cup brown sugar and 2 tablespoonfuls flour. To this paste add $\frac{1}{2}$ ounce celery seed, place in the vinegar and boil until begins to thicken. Drain brine from vegetables, place them in another saucepan and pour the boiling vinegar mixture over them. Mix well, fill jars and seal while hot. The chowchow should be about the consistency of thick cream. Flour may be added to thicken. Celery or cabbage may be used instead of cauliflower.

STORAGE OF VEGETABLES AT HOME

The storage of vegetables in their natural condition is an important adjunct to canning and drying. Potatoes, beets, carrots, parsnips, salsify, turnips, cabbage, celery, onions, sweet potatoes, dry beans, and dry lima beans may be stored.

In a house heated by a cellar furnace, partition off a small room. It is best to have in it at least one outside window for temperature regulation. An earth floor is desirable. In this room may be stored potatoes, beets, carrots, parsnips, turnips, and salsify. Put them in bins or in boxes, baskets or barrels. The vegetables should be harvested when the ground is dry and should lie outdoors until any moisture on them has evaporated. Remove the tops from beets, turnips, carrots, and salsify.

For out-door storage make a pit 6 or 8 inches deep and as large as needed, in a well-drained place. Line this with straw, leaves, or similar material and place the vegetables on this lining in a conical pile. Cover the vegetables with straw leaves or something similar and cover this with enough earth to prevent freezing. It is well to make several small pits rather than one large one, for the reason that when a pit has been once opened the entire contents should be removed. This form of storage is used for potatoes, beets, carrots, turnips, parsnips, cabbage, and salsify. It is well to store several varieties of vegetable in one pit, for convenience in winter use.

For cabbage the pit should be long and narrow. The cabbages are placed in rows with heads down and covered with dirt. The removal of a portion of this supply does not disturb the remainder. Cabbages may be stored in the cellar in boxes or barrels of earth or sand.

In storing celery in a pit or trench, the plants are set side by side as close as they may be packed and wide boards set up along the outside of the pit. Dirt is banked against these boards and the top covered with corn fodder or similar covering.

An out-door cellar makes a good storage place. In cold climates this should be partially underground. A side-hill location is desirable for ease in handling the vegetables. To make such a cellar dig an excavation, and in this erect a frame by setting posts in rows near the dirt walls. Saw these posts off at uniform height and place plates on their tops. On these plates place rafters. Board up completely with the exception of a place for the door. The whole should be covered with dirt and sod, and in cold climates added protection may be given by a layer of straw, fodder, or similar material. A dirt floor is best, as some moisture is desirable.

This form of storage is especially good for the use of several families.

Cold-frames may also be used to advantage in storing vegetables if the drainage is made thorough. After the frames are filled the sash should be covered with boards and the outside banked with soil or manure. As the weather becomes severe a covering of straw or mats is necessary. This covering should be heavy enough to prevent freezing.

Cauliflower which has not matured may be taken up and planted in shallow boxes of soil in a light place in the cellar. If kept well watered it will mature for winter use.

Onions require a cool dry place. They should be cured, dried, and tops removed before storing. Keep them in baskets,

trays, or other holders which let the air circulate.

Potatoes may be stored in a cool, frostless cellar in boxes, baskets or in long narrow bins divided into sections to hold about two to three bushels. A covering of sand or soil keeps moisture in. They should not be washed nor exposed to light for any length of time after harvesting, as that will cause them to turn green. If they begin sprouting in the spring all the shoots should be rubbed off. The bins should be examined occasionally and any rotting potatoes removed to prevent the spread of infection.

Squashes and sweet potatoes are susceptible to cold and moisture, and for that reason should be stored in a dry place where the temperature will approximate 50° F. Squashes may be kept by piling on a dry floor and covering with rugs or carpets, but care must be taken that they do not become bruised before storing.

Sweet potatoes may be packed in layers in dry sand, wheat chaff, or charcoal, and kept in a warm cellar. A simple and effective method is to place the sweet potatoes in baskets near furnaces.

TIME TABLE FOR BLANCHING AND DRYING

The following time table shows blanching time for vegetables and the approximate time required for drying vegetables and fruits, with temperatures to be used in drying by artificial heat:

Vegetables	Blanching time	Drying time	Temperature (Fahrenheit)
	Minutes	Hours	Degrees
Green string beans	6 to 10	2 to 3	110 to 145
Wax beans	6 to 10	2 to 3	110 to 145
Lima beans (young)	5 to 10	3 to 3½	110 to 145
Garden peas (mature)	3 to 5	3 to 3½	110 to 145
Sugar peas (young)	6	3 to 3½	110 to 145
Sweet corn	5 to 10	3 to 4	110 to 145
Carrots	6	2½ to 3	110 to 150
Parsnips	6	2½ to 3	110 to 150
Kohlrabi, celeriac and salsify	6	2½ to 3	110 to 150
Onions	5	2½ to 3	110 to 140
Leeks	5	2½ to 3	110 to 140
Beets	Till skin cracks	2½ to 3	110 to 150
Cabbage	10	3	110 to 145
Pumpkin	3	3 to 4	110 to 140
Summer squash	3	3 to 4	110 to 140
Celery	3	3 to 4	110 to 140
Swiss chard	3	3 to 4	110 to 140
Okra	3	2 to 3	110 to 140
Cauliflower	6	3 to 3½	110 to 145
Brussels sprouts	6	3 to 3½	110 to 145
Rhubarb	3		110 to 145
Peppers			110 to 140
Spinach, parsley and other herbs	4 to 6	3	110 to 145
Tomatoes	To loosen skin		110 to 145
Asparagus	5 to 10	4 to 8	110 to 140
Fruits			
Berries		4 to 5	110 to 140
Cherries		2 to 4	110 to 150
Plums		4 to 6	110 to 150
Apricots		4 to 6	110 to 150
Apples		4 to 6	110 to 150
Pears		4 to 6	110 to 150
Quinces		4 to 6	110 to 150
Peaches		4 to 6	110 to 150

Follow instructions on pages 6, 7, 8 and 9, as to cold dipping after blanching.



After J. N. Darling, in *New York Tribune*

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Fire Underwriters' Associations in the United States

By ROBERT RIEGEL

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THE UNIVERSITY OF PENNSYLVANIA IN PARTIAL FULFIL-
MENT OF THE REQUIREMENTS FOR THE DEGREE OF
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A SURVEY AND CLASSIFICATION OF FIRE UNDERWRITERS' ASSOCIATIONS IN THE UNITED STATES

By Robert Riegel

Wharton School of Finance and Commerce, University of Pennsylvania

ALL text writers have emphasized the importance of fire insurance as a business necessity and if a more decided proof be desired one need only consider the many State investigations of this economic factor. Of the entire insurance field the most important division is that of rate-making or premium fixing, and yet one of the principal agencies exercising this function has received comparatively little attention by writers. The term "premium" in fire insurance refers to the amount paid by one having an interest in property to an insurer, in return for a promise of reimbursement for damage to the property by fire. Dwellings and mercantile buildings, with their contents, form the bulk of the property insured, and the premium, or the amount paid for insurance, is a matter of importance to the community as regards both home and business relations. It is included in the expenditures of families, firms and corporations. From fire premiums, in the last analysis, losses are paid. Many policyholders yearly contribute small amounts which are paid out to the unfortunate to settle losses, and if losses increase, premiums must increase, or the claims ultimately fail to be paid. Fire insurance premiums, since fire insurance is a necessity of business, and almost a necessity of life, are of vital importance to all, and this is also true of the property loss by fire, because of its effect upon premiums. That losses be as small as possible, and that insurance premiums be adequate, fair and consistent, are both to the interest of the American public. In spite of the fact that premiums and losses are of such vital importance the institutions most closely connected with them—underwriters' associations—have received practically no notice except individually by committees of investigation.

The amount of premium paid depends upon the amount of insurance carried and the rate. The rate is the premium per \$100 of insurance, and criticism of the rates of fire insurance companies is not new. It has probably existed since the inception of the business, although in its early stages most people considered that rates were kept at a minimum because of the existence of competition. Criticism has doubtless had its good effect in the improvement of the methods of rating, from the time when insurance was on "common," "hazardous" or "doubly hazardous" properties to the era of the modern schedule,—when it has been based upon sound premises. At other times, however, it has resulted in the passage of laws which have injured the insurance business, the policyholders and the public. Valued policy laws were passed, requiring insurance companies to pay, upon the destruction of a building, the amount named in the policy regardless of depreciation since the underwriting of the risk.

Under such statutes it was to the insured's *advantage* to have his building destroyed and he made a profit thereby. Anti-compact laws came into existence, forbidding combinations in the fixing or maintaining of rates. By the passage of such laws States refused to permit combination, which was eliminating the discrimination in rates which had resulted from competition.*

Rate criticism has lately assumed a new phase, however, induced by the character of the means used to obtain rates, namely, underwriters' associations. No longer do we have all the companies, influenced by competition, reducing their rates to the lowest point consistent with their loss statistics, or even lower, or arriving by separate processes at the final rates which they grant on properties. They instead co-operate to centralize the control of rates—place the power with associations in which they, among others, are represented; and to the new methods the critics find new objections. It begins to appear as if rates might be placed at any point the companies choose and thereby become exorbitant. Competition eliminated, what check on confiscation exists? Were the rates, promulgated by the associations with the help of local schedules, *optional*, there would be no room for adverse criticism, but they are of little value if not *enforceable*. The money spent in obtaining a rating on a building would be wasted, if through competition a company were forced to discard the rate for a lower one. The present question, therefore, is not only whether rates shall be higher or lower, as may superficially appear, but is also one of method. Shall they be determined by competition or co-operation?

The Instruments of Rate-Making.

Many important insurance rates in the United States to-day are arrived at by the use of "schedules" such as the Dean or Analytic Schedule and the Universal Mercantile Schedule. Such schedules set forth the various disadvantages and good features in building construction, location and occupancy, with their respective additions to or deductions from a "basis rate." This basis rate is the rate for a standard building in a standard city, according to the Universal Schedule, and under the Dean Schedule for an "ordinary" building, which, however, is better than the majority of those in existence. Few or many items may be considered in such schedules, and they vary from the short schedule used in New England, containing 17 items, to the Universal Schedule with 3,400 items, including occupancy charges. By the use of schedules the following advantages are derived:†

1. Consistent and equitable rating.
2. Accurate rating, by taking into account each feature of construction.

*In 1912 anti-compact laws existed in the following States: Alabama, Arizona, Arkansas, California, Georgia, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Washington, Wisconsin, (The Fire Insurance Pocket Index, 1913. Spectator Company, New York, p. 75). For the development of such legislation see the author's "Commonwealth versus Co-operation," THE MARKET WORLD AND CHRONICLE, June 12, 1915, or the same, "Rough Notes," April 22, 1915.

†Standard Universal Schedule for Rating Mercantile Risks, page 8.

3. As a consequence of the above, the prevention of opposition on the part of policyholders and legislators.
4. Encouragement of proper construction.
5. Tendency to prevent anti-compact laws.
6. Discouragement of excessive brokerages and commissions.
7. More thorough inspection.
8. Prevention of excessive deductions for fire departments.
9. Prevention of competition and rate-cutting.

The schedule having been prepared with as great scientific accuracy as is possible under present conditions, it is unnecessary for a company to prepare its own rating system, except for certain risks out of the ordinary on which it may grant insurance. The companies first co-operate, again as far as is possible under present conditions, in furnishing data for the compilation of such a schedule, and once worked out, collectively adopt it as a basis for their business. Many schedules are used, but they usually follow the principles of the Dean or the Universal Schedule, with adaptations for local conditions.

The Application of the "Schedule."

Having then a schedule, some human agency must be employed to apply it to the various risks. Obviously each company might individually employ raters to apply the schedule, but if there were two hundred companies doing business it would be folly to employ two hundred agencies to apply the schedule in a given locality when one might do it for all. The companies therefore quite naturally co-operate. If each company was compelled to inspect each building for itself, the expense of transacting business would be increased, with the result that premiums would be higher, to the detriment of those who must purchase insurance. The agencies which the companies establish in most communities to apply the schedules for them and so make the rates, are associations variously known as "underwriters' associations," "fire insurance exchanges," "unions," and "tariff associations."

State laws, however, sometimes intervene to prevent the companies from using the underwriters' associations to make the rates. In January, 1912, for example, a bill was introduced in the Legislature of South Carolina to expel from the State companies which were members of the Southeastern Underwriters' Association. In some instances the laws impose such penalties as prohibit companies from membership in such organizations. In 1897 the State of Alabama passed a law stating that if property insured under a policy issued by a company which was a member of any tariff or rating association was destroyed, the owner thereof might recover the actual amount of loss or damage, and in addition, twenty-five per cent of such loss or damage. The latter amount was a penalty imposed for the company's membership and participation in such an association.

After the passage of such laws the companies resorted to another device to enjoy the co-operation thus denied but which is necessary in the making of rates. Some party in a given territory made the rates and sold them to the companies there operating. These parties were known—for obvious reasons—as "independent raters," although the term is a misnomer. It is quite plain that the

independent rater is a device employed by the companies to do that which may not legally be accomplished through underwriters' associations. It is useless to co-operate in making or purchasing rates unless such rates are adhered to. These purchased rates were given to a stamping office, usually a department of an association, and the stamping office had the sole power to permit a change of rates. This was accomplished by the passage of a "relief rule." By such supervision the rates published are maintained. The New York Fire Insurance Exchange made rates for a certain portion of the State of New Jersey up to December 16, 1909, at which time it was forced to relinquish this function by a decision of the New Jersey Court of Errors and Appeals, declaring combinations to fix rates ultra vires, since this was an important duty of the officers of insurance companies, and could not, under the charters of the latter, be delegated to an association. The New York Exchange then sold its maps and surveys to an employe, who resigned his position with the Exchange and organized the "Hudson Inspection Bureau," which promulgated advisory rates in what was formerly the territory of the Exchange. Differences between Exchange members affecting this territory were still settled by the procedure of the Exchange.

The foregoing briefly shows the connection of these associations with the vital insurance function of rate-making.

Types of Associations.‡

Underwriters' associations may be divided into types or classified, (1) on the basis of the extent of territory in which they operate; (2) according to their functions or objects; and (3) with reference to the character of membership.

CLASSIFICATION OF ASSOCIATIONS

According to—

1. Jurisdiction.....	{	National Sectional Local	}	{	Urban Suburban
2. Functions.....	}	Technical and educational Regulation of brokers and agents and rate-making			
3. Membership.....	{	Occupation of members	}	{	Company representatives Special agents Agents and brokers No distinction between members
	{	Classification of members	}	{	Classified membership
	{	Requirements	}	{	1. Without qualification of voting power 2. With qualification of voting power.
					{
					Adherence to agreed commissions to agents Adherence to stated scale of brokers' compensation

‡See J. B. Kremer, "The Agency," an address at the Ninety-first Meeting of the Insurance Society of New York.

Types of Associations.

According to territory, the various organizations may be divided as follows:

1. Local.
 - (a) Urban.
 - (b) Suburban.
2. Sectional.
3. National.

While the last two terms are to an extent self-explanatory, "local" is somewhat misleading, giving the impression of a small unimportant body in a very restricted territory. It may, however, apply to organizations concerned with the largest cities, to those with jurisdictions extending beyond city limits, or to those within a city proper, with suburban territory excluded. The New York Fire Insurance Exchange has no jurisdiction over suburbs, these being the territory of the Suburban Fire Insurance Exchange, but its activities extend beyond the city of New York proper.

Local associations might be subdivided into urban and suburban, therefore, the city of New York furnishing an example of such division of territory. The Suburban Fire Insurance Exchange there extends over Westchester, Putnam, Rockland and Richmond counties, the Bronx east of the Bronx River, and all of Long Island outside of the Borough of Brooklyn; while the New York Fire Insurance Exchange supervises, roughly, Manhattan, the Bronx and Brooklyn. Similar instances might be cited elsewhere.

Other local associations operate within a single State, but with jurisdictions ranging from two or three counties to almost an entire State. The type in mind is best described by illustrations. The Allegheny County Underwriters' Association covers several counties in the western part of the State of Pennsylvania, and is one therefore with a comparatively limited area. The Underwriters' Association of New York State has a broader field, covering all of the counties north of Putnam and Westchester, with the large cities excepted. These two kinds of associations are both included under the term local to avoid a too elaborate classification, as they are somewhat similar in other respects. The local associations, although operating in a smaller field than the sectional and national, are extremely important by reason of the character of the work they perform—supervising brokers, agents and rates.

The sectional organizations' territories are wider in extent, and cover from two or three States to half of the United States. The Eastern Union covers that part of the country east of the Mississippi; the Western Union, broadly speaking, the Middle West; and the Middle Department operates in Pennsylvania, Delaware, Maryland and West Virginia. Such organizations perform, in a broader way, somewhat the same functions as the local associations, in territory not covered by the latter. The Eastern and Western Unions are what may be termed "company" organizations, their principal object being the equalization of commissions. The interests of the field force may be directly opposed, therefore, to the interests of these two unions, as, for example, when reduction of commissions is desired. These co-operative bodies have considerable influence with the local boards which make rates, since some of the latter owe their very

existence to the endeavor of the sectional unions. The local associations, however, must not be considered as branches of these larger bodies, for a company may be represented in a local underwriters' association or many of them, and at the same time not be a member of the Unions. The connection between the different classes is indirect, but nevertheless exists. The Middle Department, however, is a special agents' organization, and is similar in nature to the local bodies, having for its objects the making of rates, inspection of policies, establishment of a stamping department, and the regulation of commissions. Many of the local boards in the territory of the Middle Department have been organized through the activity and influence of this body. It makes agreements with local bodies, for example, with regard to rates and commissions.

There are, in the main, two fields of activity in which underwriters' associations engage, namely, efforts to improve the practices of the business, and, secondly, measures which may be termed educational. Insurance may be viewed from one standpoint as the furnishing of indemnity for a proper consideration; or in a broader light, as having also a duty to teach the methods of reducing fire waste, as a doctor points out means of avoiding illness. The educational activities of the associations are directed toward the fulfilment of the latter duty.

The local and sectional associations are in the main concerned with the practical aspects of the business, and the national bodies with the educational aspects. The practical bodies are chiefly concerned with the subjects of rates and commissions, while the educational bodies, the National Board of Fire Underwriters and the National Fire Protection Association, direct their efforts toward preventing and reducing fire waste. This division of function must not be too much emphasized, for the local and sectional bodies are also greatly interested in the educational or conservation work. The Middle Department, for example, makes inspections and furnishes the advice of engineers, and the constitutions and by-laws of many of the local associations include in the list of objects of association "the reduction of fire waste" and "the improvement of construction." Likewise the proper measurement of fire hazard, an object of local associations, is in itself one of the strongest influences in discouraging poor construction and in encouraging proper building and the use of fire-extinguishing facilities. The National Board, on the other hand, has recently undertaken the preparation of a new schedule rating system. (See p. 20.)

The national association (National Board of Fire Underwriters) and some sectional organizations (Eastern and Western Unions, Underwriters' Association of the Pacific, Rocky Mountain Fire Underwriters' Association and Southeastern Tariff or Southeastern Underwriters' Association) are company organizations, and comprise practically all the large stock companies in the United States. Other sectional organizations (the New England Fire Insurance Exchange and Underwriters' Association of New York State, for example) are composed of special agents. The local associations' membership is personal, consisting of managers, agents and brokers.

In some associations membership is divided into classes. Thus in the Board of Underwriters of Allegheny County three classes of members are included; agents who write more or less than \$5,000 net premiums annually,

and brokers. In this association, also, the voting privilege of the latter two classes is qualified.

Some of the organizations require members to adhere to a stated commission rate. Notable examples are the Eastern and Western Unions. The following table gives an outline of the nature of some of the more important boards and bureaus:§

Date of Organization.	Name of Association.	Extent of Jurisdiction.	Functions.¶	Membership Composed of	Remarks.
1866	National Board of Fire Underwriters	National	Educational work Technical studies	Companies	
1879	Western Union	Sectional	Formation of local boards, regulation of agents and supervision of rates	Companies	Observance of agreed commission required
1880	Eastern Union	Sectional	Regulation of agents, promotion of good practices	Companies	Ditto
1897	Underwriters' Association of the Pacific	Sectional	Regulation of brokers and agents, promulgation of rates	Companies	Ditto
1889	Rocky Mountain Fire Underwriters' Association	Sectional	Ditto	Companies	Ditto
1882	Southeastern Tariff Association	Sectional	Ditto-formation of local boards	Companies	Ditto
1883	New England Insurance Exchange	Sectional	Ditto	Special Agents	
1883	Underwriters' Association of New York State	Sectional	Ditto	Special Agents	
1883	Underwriters' Association of the Middle Department	Sectional	Ditto	Special Agents	
1899	New York Fire Insurance Exchange	Local	Regulation of brokers and agents, promulgation of rates	Agents and Brokers	
1883	Philadelphia Underwriters' Association	Local	Ditto	Agents and Brokers	

¶Only the most important and distinctive functions are here given. A more complete description of purposes and services follows in later sections.

§It need hardly be stated that these were chosen for no purpose other than to illustrate the nature of the classes they represent.

Having briefly indicated the general nature of the various classes of associations, later sections discuss in detail the character and function of—

(1) The National organizations, of which the National Board of Fire Underwriters and the National Fire Protection Association are perhaps the most influential.

(2) The Sectional organizations, namely, the Eastern Union, Western Union and Western Insurance Bureau, and,

(3) The local bodies.

LOCAL FIRE UNDERWRITERS' ASSOCIATIONS*

Jurisdiction, Membership and Government.

OF all the underwriters' associations the local type, because of the number of such bodies and the character of their activities, is the most important. Some have jurisdictions which are limited to single cities, often excluding even suburban territory. Included in this group are also the suburban exchanges, which are not relatively so important as the urban, because of the smaller number of risks within their control. Taking two large Eastern cities as examples, there are the New York Fire Insurance Exchange and the Philadelphia Underwriters' Association. The former operates in substantially the present city of New York, exclusive of the suburbs; its territory includes, therefore, Manhattan, Bronx and Brooklyn boroughs, and in addition Long Island City and the American Dock piers in Richmond. The Philadelphia Underwriters' Association has jurisdiction over the City of Philadelphia, excluding suburbs. Both of these are unincorporated and voluntary in the sense that membership is not compulsory, but is very advisable from a business standpoint.

The local exchanges are in many cases the outgrowth of sectional organizations. Thus the New York Fire Insurance Exchange was organized in 1899 in pursuance of a by-law of the New York Board of Fire Underwriters, a State association, to the effect that its members might organize rating associations. Local exchanges' membership is usually personal and includes principally

*The facts upon which this section are based were derived chiefly from the following sources:

Report of Joint Committee to Investigate Insurance, State of New York, February 1, 1911.

W. O. Robb, "New York Fire Insurance Exchange," Popular Insurance Magazine, January, 1911.

Report on Examination of New York Fire Insurance Exchange, July 21, 1913. New York State Insurance Department.

New York Fire Insurance Exchange, Annual Reports of the Manager.

Handbook of the New York Fire Insurance Exchange, July, 1910, revised to January, 1914.

Philadelphia Underwriters' Association By-Laws, Agreements and Rules, June, 1908; revised to 1913.

Wiedenhold, Louis, Jr., "Underwriters' Associations," Bulletin of Fire Insurance Society of Philadelphia, Special Supplement, May, 1912.

brokers and agents. In 1911 the New York Exchange included about 55 companies represented by officers or managers and about the same number of head agents representing one or more companies in the territory named.† Practically all of the companies admitted to the State of New York and doing business in New York City are represented in the Association, either by officers, managers or head agents. The Philadelphia Underwriters' Association is substantially of the same nature.

Membership in local associations is obtained by application in writing, accepted by a committee appointed for this purpose and usually known as the Committee on Brokerage. The applicant must be a person representing, as officer, broker or agent, some insurance company doing business in the territory of the particular association. In addition he must comply with certain requirements promulgated by the committee and must agree to be bound by the constitution, by-laws, rates, commissions and forms.

Like most present-day associations, the government of the local exchanges is a government of committees. The most important is usually an Executive or Governing Committee, which is in general control of all activities and whose orders are executed by a Secretary or Manager. This Committee, which is usually elective, appoints various standing committees to take charge of particular branches of association work. The Executive Committee of the Philadelphia Exchange consists of nine members, four being representatives of Pennsylvania companies, three of companies from other States and two of foreign companies. Its duties are the following:§

- (1) To maintain a department of surveys and inspection.
- (2) To make rates, schedules, standards, etc., which shall be binding on all members.
- (3) To prescribe rules and forms to be used.
- (4) To make alterations in rates provided:
 - (a) A change takes place in hazard or a change in the rates applicable to the risk.
 - (b) A minimum, schedule or standard is adopted which did not before apply.
 - (c) An error has been made in the application of a schedule, minimum, standard or rule.
 - (d) A standard, schedule or minimum does not apply to the risk.
 - (e) A cause is stated in writing and is one of these named above.
- (5) To fix rates on risks of superior construction.
- (6) To assess companies for funds to defray expenses. The assessment is made upon the basis of premium income.

A large portion of the actual work of an association is performed by standing committees appointed by the Executive Committee. The most important among these are:

- (1) The Committee on Rates, which in the New York Fire Insurance Ex-

†W. O. Robb.

§By-laws, Agreements and Rules, June, 1908; revised to 1913.

change consists of seven members including representatives of local, agency and foreign companies. This Committee has charge of the rating work of the Exchange, to be later described. To some extent changes in rating originate with the working force, but the control and direction of the rating department rest ultimately with this Committee. It is virtually a court of appeals, hearing testimony on the application of schedules to particular risks, the introduction of new schedules and the revision of old ones.

(2) The Committee on Brokerage, which practically determines who shall be admitted to the association, investigating applications for membership and hearing any complaints against the applicant. If the candidate is considered a satisfactory person and has complied with the rules for admission promulgated by the Committee, the latter issues to him a certificate of membership. Among the rules prescribed for admission are usually the following:‡

(a) The applicant must have placed at least two risks with exchange companies, covering properties of two different parties, neither of whom is related to the applicant. The premiums thereon must have been paid in full.

(b) The applicant must be favorably endorsed by two independent references, one of whom is a voting member of the Exchange.

(c) He must be 21 years of age or over.

(d) He must agree that he will not give rebates or accept commissions in excess of those prescribed by the Association.

(e) He must agree to place all risks with Exchange members unless sufficient insurance cannot be so secured.

In addition to its administration of admission requirements the Brokerage Committee acts as a lower court to investigate complaints against members. The accused has an opportunity to appear and defend himself, but if convicted the Brokerage Committee imposes the appropriate penalty. An appeal may be taken from this decision, however.

(3) The Committee on Arbitration. A member receiving an adverse decision from the Brokerage Committee, as above described, may take an appeal to the Committee on Arbitration within ten days of the mailing of notice of such decision. This right of appeal is so restricted, however, as to make the Brokerage Committee in some cases a court of final judgment. Thus in one association the latter has the power to cancel certificates upon ten days' notice, and when it dismisses a member in this manner he has no redress. Upon other appeals the Committee on Arbitration investigates the complaint, having power to examine the books of any office, agency or branch office, and any person connected with such agency or office, under oath. Refusal to testify or submit books or papers is considered an admission of the truth of the accusation. Accountants may be employed to assist the Committee. Having arrived at a conclusion, the decision is announced and a penalty imposed, which may consist of a fine, enforced cancellation of any policies in question or of preventing the member from taking a particular risk or risks, either directly or by

‡Examination of New York Fire Insurance Exchange.

reinsurance, for one year. The last penalty is a serious one, as it may involve considerable loss of business, which possibly will never be recovered.

(4) The Committee on Losses and Adjustments. The purpose of this Committee is to promote good business practice and equity in the adjustment of fire losses. To this end it prescribes rules for the payment of claims. Thus some associations on the Pacific Coast have agreed that a rule known as the Kinne Rule shall be used for the apportionment of losses where non-concurrent insurance exists.

The Objects of Local Associations.

The statement of the objects of the New York Fire Insurance Exchange may be taken as illustrative of the general expression of local associations' purposes. They are as follows:

1. Mutual counsel.
2. Comparison of experience necessary for adequate and just rates.
3. Economical conduct of business.
4. Prompt and equitable adjustment of losses.
5. Ascertainment of proper and safe methods of building construction.
6. Prevention and extinction of fires.
7. Promotion of mutual interests of underwriter and property owner.

Of the purposes enumerated two are of most vital importance—the regulation of brokers and agents and the control of rates. The Joint Committee of the New York Legislature in its report states that “The object of the Exchange” (referring to the New York Fire Insurance Exchange) “is the control of rates and commissions to agents and brokers”; which perhaps gives an unfair impression, in view of the other activities of this body, but which certainly properly emphasizes two of the most important functions.

(1) Regulation of Brokers and Agents. One of the main objects of associations is to require the adherence by brokers and agents to a uniform scale of commissions. Thus, taking New York as an example, companies may compensate head agents or managers in any form or amount they choose. Branch office managers, however, receive commissions only for their services, these amounting to 25 per cent. These managers are authorized to write insurance only on risks of a less hazardous nature. A good portion of the 25 per cent is turned over to brokers, and the managers receive in addition what is termed an “over-riding” or excess commission of 12½ per cent. For this is substituted sometimes a contingent commission, depending upon the profit to the company on the business written by the branch.* Most associations provide that as regards risks located in the territory of other exchanges members shall abide by the rules of the latter.

Brokers receive commissions which vary with the class of business written, ranging from 5 to 25 per cent, as follows:

- (1) On risks rated under the Restricted Sprinkler schedule, 5 per cent.
This schedule is applicable to but few risks.

*For various methods of compensation see G. T. Forbush, “Local Agency Compensation,” a lecture before Insurance Library Association of Boston, 1912.

- (2) On risks other than may be written by branch offices, (i. e., preferred risks of a less hazardous nature) 10 per cent (if in the congested district of Manhattan).
- (3) On risks outside the congested district of Manhattan, said risks not being of the Branch Office class, 15 per cent.
- (4) On risks of the Branch Office class, 25 per cent.

In order to do business with Exchange members, a broker must be placed upon the Certified List of Brokers maintained by the Exchange, which entitles a broker to whom a certificate is issued by the Brokerage Committee to receive a commission for business placed with its members. To obtain a certificate the broker must be engaged exclusively in the insurance business or allied occupations, such as real estate, and must make the following pledges:

Brokers' Pledge, Class I.—"In consideration of the commissions or brokerages at the current rate that may be fixed and established for the time being by, and to be paid by members of, the New York Fire Insurance Exchange, I hereby promise and agree that I will not, directly or indirectly, pay to or divide with any person not holding a broker's certificate, any commission or brokerage, nor will I receive from any company or agent, directly or indirectly, any remuneration for business placed with them, in excess of that permitted by the rules of the Exchange."

Brokers' Pledge, Class II.—"In consideration of the payment to be made to me of an additional five per cent to the commissions or brokerages as provided for in brokers' pledge, Class I, signed by me, I hereby promise and agree in addition to said pledge, that in placing insurance, I will give the preference to the members of the New York Fire Insurance Exchange, and that I will not place any risk with those not members unless I cannot secure sufficient insurance on such risks from members of the Exchange, in which case I agree to file with the Secretary of the Exchange, within one week of so placing, a list of such outside company or companies in which same has been placed, with the name of the assured, location of risk and the amount of insurance given them."

With reference to commissions it is also provided that no member may purchase the business of any broker on terms other than the rate of brokerage or commission fixed by the Exchange. .

Since practically all the large and reliable companies belong to the associations having jurisdiction in the territory in which they operate, membership in such associations is practically a business necessity. The rules usually provide that insurance shall not be placed with non-members unless the same cannot be secured within the ranks. In order to do business with Exchange members a broker must be on the certified list maintained by the Exchange, and the members do not recognize a person as a broker who is not named in said list. No Exchange member may represent a company outside the organization. It can be seen from this that the local associations have practically decided who shall engage in the fire insurance business in their territories exactly as the New York Stock Exchange decides who shall do business on its floor. The Brokerage Committees of some of the various associations have established rules as they saw fit and applied them as they desired. In New York State, however, the enactment of Section 143 of the Insurance Law requires the Super-

intendent to issue certificates to trustworthy applicants, and since he has been empowered by a recent law to examine the practices of all associations the latter have of late necessarily regulated the conduct of their brokerage departments so as to be in harmony with the policy of the State. §

The power of the Exchange is exercised over brokers and agents in various minor ways. Thus by one association premiums for insurance are required to be paid within forty days after the end of the month in which written, or notice of cancellation of the policy is to be sent to the broker and the insured. All members of the Association are also required to adhere to the rates of premium promulgated.

(2) Control of Rates and Forms. The extent of local associations' control over forms and rates will be best appreciated after a description of the procedure of rating. Three departments are concerned, namely, the inspection department, the rating department, and, often, the stamping department.

The association first comes in contact with the risk through an inspector. The insurance company, in accepting a risk, stands in the position of a buyer, and the thing bought is the privilege of insuring the owner of the building or contents, as the case may be. Being a buyer, it should have the opportunity of examining the thing purchased, i. e., should be allowed to see that the privilege is one which will result in a profit, not a loss. The inspector, therefore, really stands in the position of an expert buyer, representing one or more companies.

It is his business to note possibilities of fires beginning, entering or spreading on the premises, and all facts which can be secured relative to occupancy. The latter requirement necessitates a knowledge of the processes used in the business carried on in the building. The first step in inspection is the acquiring or making of a map of the premises, in which map arbitrary symbols are used to describe features of construction. The inspector must examine the surrounding and nearby buildings to determine the risk from exposure. The type of building, whether frame, mill, brick or fire-proof construction, must be considered. Next come wall, floor, ceiling, support material, unprotected metal or light masonry liable to be warped or fall from heat, openings in the floors, such as elevator shafts and stairways, concealed and inaccessible places, condition of the building, etc. He must investigate the occupancy, finding out the tenants, the parts of the building occupied, and the occupations carried on. The methods of heating and lighting and many other features, too numerous to mention, must be considered.*

The summary of the investigation is contained in the "survey" which is handed over to the rating department. This department is sometimes divided into two sections: the "mercantile department," which rates mercantile risks, and the "general hazard" department, which rates all other risks with a few exceptions. The survey is referred to the proper department and a rate computed according to the schedules and rules of the Exchange. A notice is published in the daily bulletin of the association, if it issues one, and the result

§Similar laws exist now in several other States. See p. —.

*For description of the inspector's work see E. R. Hardy, "Fire Insurance," pp. 42-51.

of the rating is supplied to all members in card form for filing in their rate cabinets. It is estimated that each member who operates in all of the territory of one of the large urban exchanges receives, annually, approximately 50,000 cards. The expense of the association for this service approaches \$60,000 a year.

The policy having been issued at the rate promulgated, a copy or abstract thereof must be sent to the "stamping department." According to the rules of one association abstracts of all policies and endorsements must be submitted within seven days from the time they are written and must contain the following:

- Name of company.
- Number of policy.
- Location of risk.
- Term of insurance.
- Kind of property.
- Rate charged.
- Kind of co-insurance clause.
- Rate of brokerage.
- Statement that all the rules of the association have been complied with.

If, after an examination, this abstract is approved, it is stamped "Correct" and returned. If "Incorrect" any errors to which attention is called must be corrected on the policy within two weeks.

Through the Committee on Rates the local association fixes either specific or minimum rates for the writing of insurance. A specific rate is a rate on an individual risk specified by location and description. A minimum rate is a rate for all risks of a same general description, such as dwellings. In the territory of a large exchange there are at least 300,000 buildings, and five-sixths of these are given minimum rates, such rates being based on the experience of the companies and the judgment of underwriters. Specific rates are arrived at by the use of schedules.

The rules of the association require that no policies shall be issued on risks until the latter have been rated by the Exchange. After a rate has been made no insurance shall be written at other than the official rate. This rule is frequently enforced by the establishment of stamping departments. Various minor regulations are enforced regarding rates, such as that they are binding upon the day they are promulgated, that when a change in hazard takes place the risk shall be re-surveyed and re-rated, that rates made upon contents apply only to the occupancy existing when the building is rated and the rate card must be re-published for each new tenant, that any error in rating is to be at once corrected without reference to the previous rating. Even the rates for terms of insurance of less than one year are controlled by some associations through the prescription of "short rate tables." Likewise "term rates," which give reductions for insurance of more than one year, are regulated.

One-sixth of all buildings, or about 50,000 in a large city, are rated by means of schedules. Schedules used in the United States are based upon

the principles of either the Dean (Analytic) or Universal Mercantile Schedules, with variations to suit local conditions. The New York Fire Insurance Exchange prescribes and uses schedules based upon the Universal Mercantile. The four following are the principal ones used:

(1) **The Green Schedule.** One which is used for rating non-fireproof hospitals, clubs, schools, stores, dwellings, apartments and tenements which are over the minimum height and area. A four-story building, for example, containing a drygoods store on the first floor and with the three upper floors in use as dwellings or apartments, would be rated under this schedule.

(2) **The Merchandise Schedule,** usually designated as the General Schedule. This is used for stores and dwellings which are of such a description that they would fall within the minimum rate class were it not for the fact that the first or grade floor contains an occupancy or business which excludes the risk from this class. Stables and garages are also rated by this schedule.

(3) **Universal Mercantile Schedule.** As its name indicates, this schedule is adapted primarily to the rating of buildings used solely for business purposes, other than heavy manufacturing. This schedule would be applied to retail and wholesale selling establishments and manufacturers of dress goods and clothing. A mercantile building with two or more floors occupied as dwellings would be rated, not by this schedule but by the Green Schedule.

(4) **The Manufacturing Schedule.** Such manufacturing risks as are not rated under the Mercantile Schedule would come under this schedule, and there would be included some printing, wood-working and metal-working establishments, and all serious manufacturing hazards. Certain other risks of a different nature are rated under this schedule, but it is unnecessary to enumerate them here.

In addition to the above there are used in rating as many as fifteen special schedules for special classes of risks, such as hotels, theatres, breweries, etc., these being known as "special hazards." For example, for certain manufacturing establishments protected by automatic sprinklers there is a Restricted Sprinkler Schedule.

The schedules for rating are, of course, the most important "forms" prescribed by local associations. In addition, however, they fix standard forms of co-insurance clauses, descriptive clauses, permissions, consequential damage clauses and many other endorsements or "riders." In this way the danger is avoided of having non-concurrent insurances upon the same risk, which situation may cause complications in the settlement of a loss which baffle experts.

The above description gives some idea of the nature, organization and objects of local associations of underwriters. They are voluntary associations of brokers and agents for the principal purposes of maintaining uniform rates of commission and brokerage and establishing a scientific, recognized system of fire insurance rating. The economic functions of sectional as well as local associations and the services they both render to the community will be described in a later section.

NATIONAL FIRE UNDERWRITERS' ASSOCIATIONS.

THE National Board of Fire Underwriters, membership in which is open to any stock fire insurance company doing business in the United States by election at a meeting or by action of its Executive Committee, was organized in 1866. There are now about 160 companies which are members. It was, until 1878, a rate-making organization; but since that time has exercised no jurisdiction over and is not concerned with rates, and is conducted along lines best designated as "educational and technical," having the following purposes:

First. To promote harmony, correct practices, and the principles of sound underwriting; to devise and give effect to measures for the protection of the common interests, and the promotion of such laws and regulations as will secure stability and solidity to capital employed in the business of fire insurance, and protect it against oppressive, unjust, and discriminative legislation.

Second. To repress incendiarism and arson by combining in suitable measures for the apprehension, conviction, and punishment of criminals guilty of that crime.

Third. To gather such statistics and establish such classification of hazards as may be for the interest of members.

Fourth. To secure the adoption of uniform and correct policy forms and clauses, and to endeavor to agree upon such rules and regulations in reference to the adjustment of losses as may be desirable and in the interest of all concerned.

Fifth. To influence the introduction of improved and safe methods of building construction, encourage the adoption of fire protective measures, secure efficient organization and equipment of fire departments with adequate and improved water systems, and establish rules designed to regulate all hazards constituting a menace to the business. Every member shall be in honor bound to co-operate with every other member to accomplish the desired objects and purposes of the Board.

The expenses of the Board are borne by assessments upon companies which are members in proportion to their net fire premiums in the United States, and are apportioned upon the receipts of the preceding year. The officers are a president, vice-president, secretary and treasurer, and the activities of the association, as of most underwriters' associations, are controlled by various committees, each of which devotes its attention to a particular field.

The **Executive Committee** consists of eleven elected members, and this is the governing body. It has power to fill vacancies occurring in its own ranks, to elect honorary members and to "exercise all necessary powers to promote the purposes of the Board." Its meetings are open to all companies members of the Board but not represented in the membership of the Committee. It appoints a general manager and such other salaried representatives and clerical help as may from time to time appear necessary.

Standing Committees are appointed by the president annually, of which the most important, for our purposes, are those described hereinafter. The work of the National Board may be best indicated by considering the activities of these committees.

The Finance Committee. It is the business of this committee to collect

assessments from members of the association in proportion to the net premiums received by such companies on business done in the United States. The percentage of such assessments for the year 1915 was 1 17 of 1 per cent. The expenditures of the Finance Committee may be classified under three heads:

(1) General expenses, which include the support of the Underwriters' Laboratories, cost of inspection, contributions to the National Fire Protection Association, and the expense of maintaining the National Board;

(2) Building construction expenses, including the salaries of engineers, printing and equipment;

(3) Fire prevention expenses, including the salaries of the field men, office force and printing.

The Committee on Laws. It is the duty of this Committee to obtain information of the various laws proposed affecting fire insurance interests; and in the past it was the custom to present at the annual meeting laws enacted during the current year, but arrangements have now been made whereby information is given to the members from time to time during the year of the laws proposed and the work of the Committee with a recapitulation annually of all laws introduced affecting directly the business.

Committee on Statistics and Origin of Fires. The functions of this Committee are clearly indicated by its title. In 1910-1911 it prepared a record of the fires and fire losses of cities in this and foreign countries which aroused widespread interest and was extensively quoted in addresses and in the insurance press. This work has been continued since that date. It annually prepares also a tabulation of large conflagrations as well as other tables of fire losses.

Committee on Incendiarism and Arson. This Committee has charge of the work of the Board in the prevention of and punishment for arson. During the year ending April 1, 1915, ninety rewards were offered, amounting to \$28,550. As far as possible this Committee co-operates with the committees of various local underwriters' associations. There exists, in connection with this work, a permanent arson fund which is added to as necessary by assessments* upon the companies which are subscribers to the fund. The assessments amount to one-half cent for each \$100 of net premiums, such assessments not to exceed in one year, however, one and one-half cents for each \$100. Definite rules are laid down governing the payment of rewards for the conviction of incendiarism; but no rewards are to be paid to any officer or salaried employe of an insurance company, or to any public official, including an officer of police.

Committee on Fire Prevention. The work of inspecting cities for the purpose of ascertaining their facilities for protection against fire is in the hands of this Committee. This work has been carried on in its present form since 1904, and during that time reports have been issued on about 270 cities, many of which have been revisited after a lapse of five or six years to ascertain the extent of the changes and improvements. These reports contain a description of the water works systems, fire department organization and equipment, fire alarm systems and structural conditions and hazards; conclusions are presented

*No assessment of this character has been levied since 1905.

as to the adequacy and reliability of the various fire protection features, as well as an opinion as to the degree of the conflagration hazard, and recommendations are made for improvements in the different departments. For the past three or four years the tests of fire engines exhibited at the Conventions of the International Association of Fire Engineers have been conducted by the engineers of the National Board. Engineers have been assigned, on request, to advise as to the necessary fire protection facilities in some of the government buildings in Washington and for the Panama-Pacific Exposition in San Francisco; one of the National Board engineers was engaged, while on leave of absence, to supervise the design and installation of the fire protection at the Exposition, and another is similarly engaged on the installation of a high-pressure fire system in Boston. Much time is employed by the engineers in preparing public laws and ordinances relating to fire prevention, many municipalities calling upon the Board for assistance in framing such ordinances when necessary. In various ways this Committee co-operates with local boards of underwriters, associations of engineers, associations of credit men, and all who are interested in the reduction of fire losses.

Committee on Lighting, Heating and Engineering Standards. The National Board, through this Committee, prints standard specifications for the installation of protective devices, such as signaling systems, municipal fire alarm systems, fire pumps, and similar appliances. It likewise prints specifications for the installing of electrical systems and furnishes such rules and specifications as have been named to various associations, bureaus and the public, not as orders, but as suggestions representing the best thought of technical experts of the insurance profession. It is by such acts as these that the educational character of the National Board is most clearly recognized, and it is unfortunate that the public does not more fully realize the value of the service which is thus freely rendered; but most of the improvements in property come rather by reason of the insured's self-interest in a financial way than through enlightenment by education. In other words, the increased premium charge on poor risks is a greater incentive to good construction than a vast amount of education.

Committee on Construction of Buildings. The object of this Committee is the improvement of building construction in the United States. One of the greatest steps in this direction was the preparation of the National Building Code. Thousands of copies of this work have been distributed, and many municipalities in the country have prepared or revised their building ordinances on the basis of that Code. The Code has recently been completely revised so that in effect it is practically a new ordinance. Its engineering and fire protection features have been brought into accord with best present-day practice and it is now the recognized standard for safe building construction.

The Committee maintains an expert service upon all matters relating to the drafting of building ordinances and fire-resistive construction. It is ready at all times to aid municipal or State authorities with advice in relation to laws dealing with those subjects. Such work is constantly in progress and very beneficial results have been obtained.

The work is distinctly educational in character, and it is evident that the work of this Committee is already producing a material, beneficial effect upon the character of building construction throughout the country, yet it is recognized by the Board that a full realization of the protection to be derived from reduction of the conflagration hazard will not be attained for some years. This is because new laws for the most part regulate new buildings, and can do little in the way of removing the hazard of existing structures.

Committee on Adjustments. The endeavors of this Committee are in the direction of facilitating the adjustment of losses. As an example of its work, one might mention the preparation of an emergency equipment to be used for the benefit of all companies in case of a large conflagration and consisting of "a cabinet with suitable cards, folders, indices, etc., to aid in at once organizing a bureau to tabulate property destroyed or damaged, to list claims, companies interested, committees appointed, dispositions of claims, and to keep watch on fraudulent or dual claims." This is based upon the experience gained in the large conflagrations of the past, the idea being to put such experience in a form available for future guidance, if necessary.

The Underwriters' Laboratories. The description of National Associations must also include some mention of the Underwriters' Laboratories, a corporation formed by the National Board of Fire Underwriters in 1902, the entire capital stock having been subscribed for by members of the latter body. The excellent fireproof buildings of this concern in themselves are incentives to better construction, combustible material having been entirely eliminated from them, the very highest skill in fire protection having been employed in their construction, and their internal fire defenses being the best that modern science can afford. The purpose of the institution is best expressed in its own language:

"The object of Underwriters' Laboratories is to bring to the user the best obtainable opinion on the merits or demerits of appliances in respect to the fire hazards. Such appliances include those designed to aid in extinguishing fire, such as automatic sprinklers, pumps, hand fire appliances, hose, hydrants, nozzles, valves, etc.; materials and devices designed to retard the spread of fire, such as structural methods and materials, fire-doors and shutters, fire-windows, etc.; and machines and fittings which may be instrumental in causing a fire, such as gas and oil appliances, electrical fittings, chemicals and the various machines and appurtenances used in lighting and heating."

After a device or material has been tested the report of such test is submitted to the Council of Underwriters' Laboratories, which consists of twenty-two members, all directly interested in fire protection work or underwriting associations and representing all sections of the United States and Canada. If the article is approved, it is then listed as an approved and satisfactory article, either direct by the Laboratories' card system to subscribers or through the National Board's periodical list of appliances.

Actuarial Bureau Committee.* What probably is the most important work

*For a description of the work thus far completed by the Committee see Robert Riegel, "Co-operation and Classification in Fire Insurance," *Quarterly Journal of Economics*, August, 1916.

undertaken in recent years by the National Board was the inauguration of what is known as the "Actuarial Bureau of the National Board of Fire Underwriters." The purpose of this work is the compilation of statistics to the end that a complete and carefully compiled record of all fire losses upon insured property in the United States may be obtained, with full information regarding occupancy, location and character of property, values, insurance, origin of fire, etc., and for the investigation of the fire dangers to which each class of property is subject, and the development of thorough and scientific information concerning the causes of fire and their prevention.

The plan for this work was completed during the year 1914, and the Bureau began active work January 1, 1915, and has since that date collected and classified approximately 500,000 reports of losses which have been paid by the various companies during the year 1915.

The entire affairs of the Bureau are under the charge of a standing committee known as the Actuarial Bureau Committee, which, as other standing committees of the Board, is under the supervision of the Executive Committee, it being understood that the Actuarial Bureau Committee has full power to make such incidental changes as are necessary to perfect the system of classification, all changes subject to the final approval of the Executive Committee.

The expenses of the Bureau are met by an assessment by the companies subscribing to its support and are based upon the gross premiums less only cancelation. This work is open to all fire insurance companies of every kind, and includes in its membership not only the National Board companies, but non-Board companies and mutuals.

It was evident that this, the first year, would be needed for bringing the operation of the loss department into proper method and order, leaving little or no opportunity for taking up the question of writings, and for that reason the compilation of writings was deferred and will not be undertaken until the first day of January, 1916.

The National Fire Protection Association.† About seventeen years ago there was formed the National Fire Protection Association, the aims of which are stated to be:

- (1) To promote the science and improve the methods of fire protection and prevention;
- (2) To obtain and circulate information on these subjects, and,
- (3) To secure the co-operation of its members in establishing proper safeguards against loss of life and property by fire.

The membership of this body is divided into three classes. National institutions, societies and organizations interested in the protection of life and property against loss by fire, State associations whose principal object is the reduction of fire waste, and insurance boards and associations having primary

†National Fire Protection Association, "The Work of the National Fire Protection Association."

jurisdiction are eligible for active membership. Associate members are national, State and municipal departments, chambers of commerce, business men's associations and individuals engaged in the fire insurance business. Subscribing members are those who receive the publications of the association. When a person wants to know how to make a standard fire-door or the correct method of installing a gasoline engine he goes to the office of the nearest underwriters' association, where he may obtain a pamphlet containing the information desired. At least thirty-seven subjects are covered, these specifications having been drawn by the members of the National Fire Protection Association. In acknowledging its indebtedness to the experts who contributed, the Association states: "There is no public effort in the history of the Nation to which there has been so freely given over so long a period so much expert thought and painstaking technical investigation as to the National Fire Protection Association." While the connection of the National Board with the National Fire Protection Association is one of membership only, they are concerned in its activities inasmuch as they are principally those of fire protection and prevention.

Services of National Associations.

From the foregoing description we may summarize the services of national associations of the type considered as follows:

1. They educate the public to an understanding of the value of insurance in the reduction of risk.
2. They bring about harmonious co-operation of fire companies and underwriters toward aims broader than mere indemnity for loss.
3. They have reduced various expenses which the insured ultimately, of course, pays, such as:
 - (a) Expense of watching legislation.
 - (b) Expense of protesting against unjust laws.
 - (c) Expense of reducing arson.

The effectiveness of efforts along these lines has been correspondingly increased.

4. They have compiled and published statistics of the insurance business which are recognized as standard—the National Board Tables—and have made instructive comparisons of data.
5. They have endeavored to reduce arson and incendiarism.
6. They have inspected, criticized and suggested improvements in the protective facilities of cities and towns.
7. They have furnished consulting engineers to assist in all kinds of construction, to give advice on apparatus and ordinances.
8. They have set up standards for the installation of lighting and heating devices.
9. They have formulated codes as guides to correct building.
10. They have improved methods of adjusting losses.
11. They have been largely instrumental in causing the adoption of a standard fire policy and have formulated standard forms and clauses.

12. They have tested and inspected fire preventive and protective devices of all kinds and have established a standard of efficiency for such devices.

13. Last, but not least, they have been the greatest factor in educating the public to the fact that reduction in fire losses means reduction in insurance premiums, and that the latter is principally dependent on the former.

It must be admitted that the above is only a partial list of the services rendered by these organizations, yet it is hoped that it is sufficient to show the benefits derived from their existence by the public, supported though they are principally by private capital. Their very existence is sufficient to show that insurance companies and underwriters are not concerned wholly with furnishing indemnity and profits and losses, but perform other real and useful services to society. While indemnity for loss is an indirect and negative service of insurance, the above presents another aspect of the business, showing results which, while indirect, are yet positive in character.

SECTIONAL ASSOCIATIONS OF FIRE UNDERWRITERS.

A SECTIONAL fire underwriters' association is a voluntary organization of company representatives having jurisdiction over a number of States, as distinguished from local bodies which control only single cities and national associations which are of a technical and educational nature. The sectional association partakes of the nature of both local and national associations in that it performs work of a technical nature, endeavors to reduce fire waste, regulates commissions and influences fire insurance rates. But while control of rates is the primary function of local bodies and technical work of national bodies, the sectional associations' principal object now is the reduction of the expense of the business by control of commissions.

The Eastern Union.

The Eastern Union is an example of the sectional type of organization, and "is composed of fifty or more of the larger and stronger fire insurance companies—both American and foreign—doing a fire insurance business in the United States."* Any company may apply or be proposed for membership, but must be elected by a majority of the members present at a regular meeting. All members are, of course, required to subscribe to the constitution and by-laws of the association. It is stated that in this association no penalties or fines exist to bind the members, a sense of honor to associates being the only tie.

Its influence, exerted through the executive officers of constituent companies, extends throughout the Atlantic and Gulf Coast States, except where prohibited by law.† This influence may be described best by an outline of the functions of the Union. It "is organized for the purpose of maintaining, by all proper and legal methods, correct practices in the business of fire insurance;

*The greater part of the information secured on the Eastern Union was obtained from a letter by Mr. Henry E. Rees, former President of the Union.

†Anti-compact or "anti-trust" laws.

the reduction of the expense of the business by controlling, where permitted to do so by law, the compensation paid to agents and brokers, keeping always in mind that the expense of doing business is necessarily a part of the rate of premium and must, in the end, be borne by the insuring public."

Another object is "the systematic inter-change of information by which all members are benefited, and a practical co-operation by inter-insurances, by which agents of Union members are assisted in retaining in their offices large line risks which would otherwise be sought for, and probably written, by the broker in a distant city."‡

"The Union encourages superior fire-resisting construction, the introduction of modern fire protection appliances in city and individual plants, thus endeavoring to do its share toward the reduction of the per capita fire loss of this country, which is large when compared with the older countries of Europe."§ Thus it is apparent that educational and technical services are not confined to national associations, although such services are the vital purpose of the latter.

The Union also has some influence over fire rates, but in many cases this is only indirectly exerted. It may, for example, appeal to a local association to raise its rates; and its influence is usually sufficient to accomplish the desired object. No direct connection between the Eastern Union and rates has been discovered.

It must be recognized that the Union companies may also have representatives in local associations. The Union is an association of companies, and not of brokers and agents, and the interests of the two may be directly opposed, as in fact they usually are, on the subject of commissions. It is the practice of many of the non-Union companies to offer an increased commission to the agent in order to compete with the Union companies, who have combined for the purpose, as stated, of reducing expenses. Competition of this nature was recently so intense as to force the Eastern Union to the verge of dissolution and compel that body to raise their commissions to the graded scale granted by the Western Union. Previously the commission had been restricted to a flat 15 per cent. There are, however, in the Union territory, certain excepted cities, where no limit is placed by the associations upon commissions, which have reached at times as much as 45 per cent. This high rate is a tribute to entrenched monopoly which the companies would like to dispense with. It would seem that some restriction should, if only in the interest of the policyholder, be placed upon the rate of commission, which is a large factor in the expense account and consequently in the premium.

The rules of the local organizations regarding commissions are influenced to a large extent by the Eastern Union. The Executive Committee of the Boston Board of Fire Underwriters, for example, recently made changes in the rules after conference with the Eastern Union representatives. As Mr. J. B. Kremer expresses it, "while the several associations in charge of this territory"

‡See "Western Union—Regulation of Agents." p. 28.

§Letter to the author by Mr. Henry E. Rees, former President of the Eastern Union.

(the South and East) "are independent of it, its influence is such that over them it has what may be termed a paternal watchfulness."¶

The Western Union.

The report of the National Board of Fire Underwriters for the year 1879 contained the following paragraph:

"One effort this year has thus far proved a success, i. e., the development of what is known as the Western Union, an organization, having for its object the formation of local boards throughout the States governed by its rules. Their chief province is the equalization of rates, to be made not excessive, but adequate to the hazards carried."

This association has, therefore, been in existence more than thirty years, being a result of the National Board's relinquishment of rating power. At the time of its organization, it comprised about one-half of the general agency companies, the number being made up mostly of the strong and conservative, and this has remained the character of the membership until this date. Its authority extends over about twenty States of the Middle West.

As the agency system gradually developed between 1850 and 1872, Chicago most naturally became the location of the Middle Western general agencies. In 1872 there had been established in Detroit "The Western Association of Insurance Managers," but the failure of this association to suppress the demoralizing practices of hazardous underwriting and reckless rate-cutting gave occasion for the formation in 1879 of the "Western Union." Membership then was and now is confined to company officials, and its principal object has always been to regulate commissions, although it has established many local boards and has made rates. The most important issue of the Union soon became the demand for a flat 15 per cent commission to agents.

The method of government is similar to that of nearly all associations, the appointment of committees, among which are the Governing Committee, the Technical Committee, and the Committee on Publicity. The Governing Committee promotes agreement between members, and takes charge of the affairs of the association between meetings. Recently, for example, an agreement for co-operation was made, and having been found to work satisfactorily, the Governing Committee decided to extend its scope. It has supervision over rates, is the ruling body in the association, and in many cases acts as the representative of various constituent companies in adjusting matters with insurance commissioners and other State officials. It maintains stamping departments, grants relief from published rates and supervises some rates. It may make agreements on behalf of the Union with other organizations.

The Technical Committee need not be described here at length, since its work is of an educational and fire-preventive character, and these functions were more fully discussed in the section dealing with the National Board. This

¶J. B. Kremer, "The Agency," address before the ninety-first meeting of the Insurance Society of New York.

committee, for example, will investigate the fire protection facilities of various cities, and make a report of conditions. Such a report may be the basis for a recommendation of increase in the rates of the backward communities.

The object of the Committee on Publicity is to secure the co-operation of insurance commissioners, fire marshals and commercial associations in educating the public regarding the general principles of fire insurance, and the necessity for the reduction of the fire waste. Literature is sent out by a publicity bureau with the intention of stimulating the interest of those whom it is desired to reach. While results have been attained, the work has not received the success it deserves, because the territory in which the Union operates is one which is regarded as generally hostile to insurance associations and their work.

The Territory of the Union.—The jurisdiction of the Western Union extends over the territory bounded on the east by Pennsylvania, West Virginia, Virginia and North Carolina, on the south by Georgia, Alabama, Mississippi, Arkansas and Texas, on the west by Arizona, Utah, Idaho and Montana, and by Canada on the north. At the time of its organization, the plan was rejected by some powerful agency interests in a few large cities, and these cities have since remained independent, being known as "excepted cities."

The Functions of the Union.—The principal object of the association is to reduce the expenses of companies by the restriction of commissions paid to agents. When the association was organized the principle contended for was a flat 15 per cent commission, and for some years this principle was maintained. But gradually non-Union companies, by the payment of higher commissions, secured the preferred business. The constant loss of good risks finally compelled the Union to establish graded commissions, 25 per cent on preferred risks, 20 per cent on brick mercantile buildings, and 15 per cent on other classes. These commissions were allowed only to agents representing Union companies, and in mixed agencies (representing both Union and non-Union) only 15 per cent was allowed. In the excepted cities mentioned the commissions are open and sometimes run very much higher. The necessity for some organization or influence to restrict commissions is evident from the fact that the non-Union companies "competed" with each other until conditions were unbearable. They then formed another association, known as the Western Insurance Bureau, with exactly the same purpose as the one they refused to join or withdrew from, and established a scale of graded commissions somewhat higher than the Western Union.

Rates.—The connection of the Western Union with rates is indirect in character. Where independent raters work, the Union appears to act in an advisory capacity. It tries to have its members maintain the rates published, and has stamping departments for this purpose where legally permitted. This department advises the companies of the proper rates and of any changes in the rates. Abstracts of the daily reports are sent to it, and the correct rate, whether it has been obtained or not, is stamped upon the abstract.

The rules provide that "no insurance, either direct or by re-insurance, shall be effected in any manner whatsoever at a rate below the tariff" unless as elsewhere provided for by the rules. If the correct rate is violated the punishment

is loss of good will among the members and expulsion from the Union. This penalty involves, of course, an entire readjustment of the offending person's business. If it is necessary to write the risks at a rate lower than the published rate, a relief rule must be passed by the Governing Committee, allowing a reduction. The Union prescribes the risks which may be given term rates. Its rules were several years ago extended to brick mercantile buildings, and at a recent meeting the subject of term rates was discussed.

The Union tries to form and maintain local boards in the various States it covers, through traveling agents who get in contact with local agents. This work is under the control of the Governing Committee. It has an agreement with the Western Insurance Bureau, a rival organization, under which companies require agents to settle for premiums received within forty-five days from the end of the month in which the risk is written. Agents try to use the non-Union companies to make the rule ineffective. There is also a co-operative agreement between these two bodies, regarding the status of agencies.

Inasmuch as the territory of this association includes several States, the rates which agents are required to maintain are arrived at and enforced in various ways, the method varying with the laws of different States. In some instances, the rates are made by the local associations established under the influence of the Union. Other rates are made by State Inspection Bureaus, to whom the work of rating has been delegated by the Governing Committee of the Union, which retains supervision over the same. The inspection bureaus employ their own men to perform the work. Whenever the State laws will permit local boards are organized unless inspection bureaus already exist. No reductions in rates are to be made by members of the Union until such reduction has been promulgated by the recognized rating authority.

From the above it will be evident that the Western Union (1) acts in a supervisory manner toward rates, and endeavors to insure the maintenance of the rates and rules promulgated by the various recognized authorities; and (2) attempts to establish recognized rating systems where none exist. Complaints of violations of the established rates are treated in the manner described under "Regulation of Brokers and Agents."

Establishment of Inspection Bureaus and Local Boards.—The rules state that "wherever the State laws will permit, the Union *will require* agents to organize local associations, (except at places which are within the control of inspection bureaus now existing or to be hereafter established) for the purpose of establishing an equitable and discriminating tariff of rates for their respective localities, under the supervision of State boards and the governing committee * * * ." Where such local boards are formed, their expenses must be borne by members on a pro rata basis of premium receipts. Members of the Union are forbidden to pay assessments levied on any other basis.

Local boards and inspection bureaus may try members for violations of their rules and punish as provided by such rules for the first or second offense, but upon a third conviction, with the approval and order of the Governing

||Italics are the author's.

Committee, all members of the Union represented by such agent shall withdraw their agencies from him and he shall be thereafter ineligible for any agency appointment until reinstated by the Governing Committee. An agent not amenable to discipline is thereby "blacklisted." The Union lays upon its members the duty of seeing that their agents obey the rules and regulations of the local bodies unless the same contravene those of the Union, in which case the Union rules shall govern. Any member may, however, appeal to the Governing Committee from a penalty imposed on its agent by a local board within thirty days of the imposition. This Committee holds a hearing and renders a final decision.

Regulation of Agents.—It has already been stated that the rules require the agents and brokers to observe the published rates and even the rates of non-Union companies and provide penalties for failure to do so. Rebates of commissions to the insured or any person in his interest are strictly prohibited in every form, and no member is permitted to take a line of insurance, or any part thereof, from one who indulges in such practices, even though the portion offered such member shall have been written in accordance with the rules. Where a complaint of rebating is made to the Governing Committee, the member writing the line in question must satisfy the Committee that the insurance written involved no rebate. It is the duty of the Committee to investigate such complaints and rule in the matter. Appeal from its decision to the Grievance Committee may be made within ten days, but the decision of this latter Committee is final and may be enforced by suspension or forfeiture of membership.

The rules provide that companies shall not reinsure others which are not members of the Union, in any manner whatsoever, except a non-Union company retiring from business in Union territory. Companies are also required to prevent their agents from inducing a local agent to represent their company in place of another Union member which such local agent previously represented. Companies represented in the Union must not be represented by the employes of any non-Union companies, except if such non-Union companies be adhering strictly to Union rules or if local companies, to the rules of the local boards having jurisdiction.

Commissions.—The Union, although originally desiring to enforce a 15 per cent commission on all classes of risks, has been forced to recognize the graded commission plan, and also the rival Western Insurance Bureau, the organization of which has been described. Western Union companies, therefore, are permitted to pay certain graded commissions (i. e., commissions varying with the class of risk) as agreed upon in the Conference Agreement of April 6, 1912, with the Western Insurance Bureau. Both associations agree to avoid being represented by agents who also represent companies paying excessive commissions, i. e., non-Union and non-Bureau companies. Provisions are made for determining the status of any agency as either a Union, Bureau or mixed agency. In addition to the work of organizing local boards and inspection bureaus, supervising rate-making, and regulating agents, the Union promulgates rules governing the practice of the business, which prescribe forms to be used, designate term risks, enumerate conditions for writ-

ing sprinklered risks, prohibit the waiver of certain policy clauses and prescribe a short rate table.

The influence and power of these sectional organizations, and the extent to which they foster concerted action by insurance companies, which is often to the public benefit, is well illustrated by what was termed by the press during 1913 as the "Missouri situation." The State of Missouri, after compelling insurance companies to file their rates with the Insurance Commissioner of the State for his approval, and ordering many risks to be re-rated, which the companies were permitted to do through common agencies, passed an exceedingly drastic anti-compact law. This law provided that no combinations of insurance companies should be effected for the purpose of making rates, and that the use by a company's representative of any rate or rate-book "prepared, kept or furnished" by any person acting in behalf of any other insurance company was prima facie evidence of such combination. Heavy penalties were imposed for violation of this provision. After fruitless attempts by various insurance interests to adjust matters, the Western Union held a meeting in April, 1913, at which the question was considered. Although the Union could not act as such, fearing legal action against it, the companies composing the same individually all agreed to cease writing insurance in the State of Missouri after April 30, claiming that business could not be carried on under the new act's provisions. This caused tremendous disturbance in all businesses involving credit, to which insurance is necessary, and the State authorities were finally compelled to agree that the law would not be enforced. It might be added that the Western Insurance Bureau also pledged similar action by its members.

Summarizing the above it may be said that sectional organizations attempt to perform, in a broader and looser manner, the functions undertaken by local associations. In the first place they exercise an influence over rates: (a) by endeavoring to insure the maintenance of those promulgated by various recognized authorities such as local associations, "independent" raters and inspection bureaus; (b) by efforts to establish recognized rating systems. Secondly, they endeavor to reduce the large annual destruction of property by fire. Thirdly, they regulate the actions of insurers as regards rebates, reinsurance, short and long term rates, endorsements on policies and with respect to great emergencies such as the Missouri situation. Fourthly, they regulate the expenses of doing business as far as commissions are concerned.

ECONOMIC FUNCTIONS OF FIRE UNDERWRITERS' ASSOCIATIONS

NOTWITHSTANDING considerable criticism and many statutes directed against them,* it must be plain from the description in preceding sections that underwriters' associations, far from being inimical to the public welfare, really possess economic functions and are a necessary part of the insurance system as at present constituted. If the contentions of their

*See article by the author, "Commonwealth vs. Co-operation," in THE MARKET WORLD AND CHRONICLE, June 12, 1915.

critics be examined it will be found that the faults of the exchanges are not sins of commission, but, at the very worst, sins of omission. Combination and association have not gone far enough and have failed to completely attain their purposes. This is not said to "whitewash" any associations which may have abused their power or to compromise with any acts which deserve to be condemned. But, while it has been a general practice to bring to light the delinquencies of this system of co-operation, no real effort has been made to present its desirable features. It is intended to summarize here the more important services of such organizations.

(1) Such organizations offer to insurance men a chance to become acquainted with their competitors, and it will be generally admitted that such acquaintance improves the moral tone of any business. Many who would unhesitatingly take undue advantage of a stranger—witness the attitude, for instance, that it is perfectly proper to cheat a corporation—regard it as dishonorable to meet an acquaintance in any but an open manner. In other words, through the medium of the association a bitter struggle with enemies is converted into friendly rivalry. Many objectionable practices are thus indirectly eliminated.

(2) New problems arise in the insurance business every day. Under circumstances where the interests of agents and brokers do not conflict, where they are not enemies awaiting every opportunity to out-distance a competitor, where they operate according to a well-established code of rules, these new problems are more likely to be discussed in a fair and open way, and the combination of two or more minds will more probably arrive at a correct and equitable solution of any difficulty than will individuals thinking independently. For individual opinion there is substituted mutual counsel and concerted action by means of associations. For example, how could a rating schedule be adapted to local conditions except by the concerted action of experts? How could an adequate and just scale of commissions be otherwise adopted? How could it be decided whether or not certain acts were detrimental to the business as a whole?

(3) From time to time legislation is enacted which is prejudicial alike to the insurers and the public. As an instance may be cited valued policy laws which sometimes compel insurance companies to pay the insured more for his property than its value at the time of the fire and thus encourage destruction of property. Also may be mentioned retaliatory laws, whereby one State taxes heavily the insurance companies of another. The second retaliates, and so on—the insurance companies and ultimately the insured paying the cost of this war of statutes. Against such legislation protection is required; and it cannot be obtained by individual action. Singly, insurance companies, because of popular ignorance of the business, are at the mercy of any laws which may be enacted, without hope of public support. A protective alliance is the only defense available. When, as in Missouri, the law one year permits companies in common to employ an expert to make rates and the next year makes a combination of this kind a penitentiary offense, single companies alone are powerless, but concerted group action may force a more just exercise of State power.

(4) Judicial procedure in the United States is notoriously slow. In many business associations exist to prevent dealers who refuse to abide by business ethics from transacting business with honest men. Thus the New York Stock Exchange has the power to exclude from its floor any broker whose acts are inconsistent with business principles without waiting for a court decision which may not be delivered for several years. In the same way the underwriters' associations afford a means of ridding the business of objectionable persons. About a year ago, for example, a certain political "boss" was refused admission to one association because of his general reputation. That an association's power in this respect is capable of abuse cannot be denied, but its proper exercise is apparently serviceable to the community.

(5) It is probable that nothing has had so much influence upon the development of a scientific method of rating as associations of underwriters. Prior to the adoption of the Universal Mercantile Schedule no very generally accepted system of rating existed. After the issuance of this schedule, which itself was but an evolution of more or less crude schedules promulgated by the older local associations, the schedule principle was further improved by such associations and adapted to the requirements of practically all localities. Mr. C. A. Hexamer said in this connection, in an able article: "I will, therefore, confine myself to the history of the development of * * * the Philadelphia Fire Underwriters' Association, believing that in the development of that organization all of the various advancements in scientific rate-making can be clearly traced."‡ This association began in 1852. It promulgated later "Classes of Hazards and Rates of Premium in the City of Philadelphia," which list was based upon principles still in use and was the beginning of the present system. The Underwriters' Association of New York State was formed in 1883 and the National Board of Fire Underwriters in 1866. Practically all of the larger associations in the East have been in existence prior to the adoption of the schedules in use to-day, and it is natural to expect that schedules requiring combined opinions of underwriters should develop from organizations fostering acquaintance, mutual counsel and co-operation.

(6) Of the advantages of combined action in rating and inspection much might be said, but a brief illustration must suffice. Let us suppose that in a given territory there are 40,000 insurable mercantile and manufacturing risks. Inspections entailing expense are necessary. There are, we will say, fifty insurance companies in the field and each risk, on the average, is insured in two companies. It is frequently the case that large risks are divided between four or five companies. There are, therefore, 80,000 insurances and, if no co-operation exists, 80,000 inspections and ratings. Arbitrarily assuming the cost of each to be \$5, the expenditure is \$400,000, an expense which must, of course, ultimately be borne by the policyholder. If the companies combine to do this work the 40,000 buildings are rated once at a cost of \$200,000 and the results are available to all at one-half the alternative cost. Every member of the association or rating bureau receives his card covering each risk. It

‡"Rates and Schedule Rating," *Annals of American Academy of Pol. and Soc. Science*; title, "Insurance," September, 1905.

is apparent that the extent of the saving is dependent upon the number of insurances upon the same building and number of times inspections and re-inspections are required.

(7) The above figuring does not adequately measure the savings, since no account has been taken of that reduction of expense which naturally follows combination, due to specialization and division of labor.

(8) When a number of companies pool their facilities to obtain a rate it must be admitted that the result is more probably just and adequate than where the charge is the result of or is influenced by competition; and adequate rates which are not exorbitant are to the interest of both the public and the insurer. It is impossible for ruinous competition in the insurance business to prove of any lasting advantage to the policyholder. In most other businesses, the result of competition among producers or distributors is an advantage, more or less permanent, to the consumer. In purchasing insurance, however, it is impossible for him to receive the same article at the reduced price. The commodity he purchases is not delivered to him at once, but over a term of one year, three years or five years. If the price is reduced by 25 per cent the stability of the selling company is reduced, and this stability is the only guarantee that the consumer will receive the protection he paid for. The company, in other words, after the advance payment of the premium stands in the position of debtor to the insured, and it is to the advantage of the latter to have it in as good financial condition as possible. Adequate rates are, therefore, to the common interest, and in bringing them about the associations render a service to all.

(9) While authorities are divided on the question of the necessity of classification of loss statistics in the fixing of rates, if such statistics are of value the underwriters' association presents itself as a medium (and, indeed, the only practical one) for obtaining such data. In fact, in the opinion of one investigator of the subject,§ "effective measures should be adopted in order to enable the exchange to obtain the experience of companies on the various classes rated by it." Recently the idea of using classified loss data as a basis for rates seems to have the ascendancy and the National Board has a committee working on this problem at the present time.

(10) It is and has been for some time the practice of insurance companies to consider one year as the standard policy term and to charge proportionately for insurance of less than one year. Rates for terms shorter than one year are known as "short rates." Originally companies charged what they liked for short term insurances. Later, a little uniformity was attained but was sacrificed when such a course seemed desirable. Now, however, all the companies of the Middle West adhere to the short rate table of the Western Union and many local organizations have established tables which coincide. Likewise, it has been the practice very generally to make some reduction proportionately in the premium for insurance taken for short terms of three and five years. These reduced rates apply only to certain classes of

§S. Deutschberger, "Report on Examination of New York Fire Insurance Exchange." July 21, 1913. New York Insurance Department.

risks and are called "term rates." No uniformity exists whatever regarding the classes of property which may receive term rates except such as is imposed by the underwriters' associations. Thus it is evident that such associations have promoted uniformity as regards short and long term rates.

(11) A fire insurance premium is in the nature of a tax and all taxes are based upon uniform assessments of the same percentage of value. Likewise, insurance rates are based upon the supposition that all will insure at least a certain percentage of the value of their property. The majority of losses by fire are small. Therefore, other things being equal, the property owner who insures a proper percentage of his property's value is entitled to a lower rate than one who insures a small percentage. There is a difference between the cost of insuring different percentages of value even greater than the difference between wholesale and retail prices in mercantile business. Co-operation of companies is necessary to provide for this by percentage co-insurance clauses in all policies, or general adjustments of the rate.

(12) It is probably necessary only to mention the work of the association in raising the standards of building construction and rendering lives, houses and factories less liable to destruction. The work of the national organizations along this line has been described. The efforts of State, sectional and local bodies must not be forgotten. The importance of these efforts to reduce fire waste is apparent when we consider that the loss per capita by fire in the United States is ten times that in many European countries. Mr. Willis O. Robb, manager of the New York Fire Insurance Exchange, says: "The Exchange has done almost more than any other agency both to improve the quality of so-called fire-proof construction, by charging for defects, and to encourage by its very low fire-proof building rates, the multiplication of standard fire-proof structures and the breaking up of great areas of conflagration breeders. The difference between properly and improperly protected columns and beams is one that architects and owners have largely learned from underwriters, whose knowledge has been put before them in the persuasive form of discriminating rates. It is now a common practice for architects to submit plans for new buildings and improvements to the Exchange for comment and criticism, and in order to secure advance information as to the probable rates."¶ The inspections of the Association of the Middle Department, for example, of smaller towns and cities, have resulted in many improvements. Engineers are supplied who give gratuitous service, and other activities along this line have been described elsewhere.

(13) Along with the efforts to better building construction go the services rendered in standardizing and improving protective and preventive devices. This work has been described in the consideration of the functions of the National Board and the National Fire Protection Association, and is only mentioned here to make the list of services as complete as possible.

The report on the Examination of the New York Fire Insurance Exchange

¶W. O. Robb: "New York Fire Insurance Exchange." Popular Insurance Magazine February, 1911.

states:¶ “There can be no doubt that the practice maintained from the first by the Exchange of including in its rates a charge for defective water supply and fire protection and making prompt allowance for betterments in these respects, has contributed largely to the improvement in fire protection, both public and private, that has been so marked a feature of the recent history of New York.”

(14) In addition to the co-insurance clause previously mentioned, the value of the standardization of other forms of clauses and endorsements should be noted. If the value of a standard fire policy be acknowledged, it follows that similar, though lesser, benefits must result from uniform clauses. The legal meaning of various words and phrases becomes fixed, the underwriter knows definitely what privilege he is giving and the policyholder what benefit he is receiving.

(15) Underwriters' associations are a great influence toward economy. We have already mentioned the saving in expense of rating by means of cooperation, and there is also a saving in other items. In an era of competition, an increase in commissions to agents and brokers is almost as effective as a decrease in rates. By means of the regulations of associations excessive commissions are eliminated. The rules of the associations also provide against the evils of the rebate, which entails a preference of one policyholder over another. In other words, fire insurance companies, through associations, have themselves abolished an evil which in the railroad business required the intervention of the Federal Government.

A synopsis of these economic functions will serve to place them more clearly in mind. The services of underwriters' associations may be grouped as:

- I. Those regarding *economy*:
 - (A) In the making of rates:
 - (a) by the saving in labor and expense;
 - (b) by specialization and division of labor.
 - (B) In commissions.
 - (C) In surveillance over legislation.
- II. Those regarding *standardization*:
 - (A) Of rates and rating systems:
 - (a) by the improvement of schedules;
 - (b) by the establishment of organizations to apply the schedules;
 - (c) by the elimination of rate-cutting;
 - (d) by the classification of loss statistics.
 - (B) Of long-term rates.
 - (C) Of short-term rates.
 - (D) Of clauses and endorsements.
- III. General results:
 - (A) Elimination of objectionable practices:
 - (a) by acquaintance;

¶Pp. 123-124, New York Insurance Department, July 21, 1913.

- (b) by prohibition of rebates;
- (c) by expulsion of undesirable members.
- (B) Mutual counsel and assistance.
- (C) Surveillance over legislation.
- (D) Prevention of and protection against fire.

Like many supposed evil combinations such associations prove upon examination to be really of assistance to the insurance consumer, if that term can be applied to the holder of a fire policy. Their services in connection with economy and standardization entitled them to be recognized generally as institutions with certain very proper functions, with individual instances of bad practices and abuse of power. In this light the proper object of any legislation is very plain, namely, to retain the advantages of such associations and to eliminate any undesirable features. This is to regulate. Regardless of the seemingly plain necessity of such a course, however, for many years our legislatures have pursued the course of hostility toward co-operation, of prohibition of combination. The companies have been proceeded against under general anti-trust laws applicable to all industries, under the common law, under specific anti-trust statutes naming insurance and other businesses in particular and under State-rating acts. With the exception of instances where the mere filing of rates is required, only two or three of our States have recognized the principle of regulation. In a few other States the advantages of co-operation are admitted but quite unconsciously and only under State administration of the rating facilities. Yet after so many years and so general a trial no success can be claimed for the prohibitory variety of legislation.

CAUSES OF LEGISLATION AGAINST FIRE UNDERWRITERS' ASSOCIATIONS

A STUDY of fire underwriters' associations makes two facts very apparent—(1) that they have certain very definite economic functions and a place in the present insurance system, and (2) that notwithstanding this, the public has become opposed to them and legislation has endeavored to suppress them. The services of these associations have been enumerated in a previous section,⁽¹⁾ and the extent of the antipathy to this form of organization may be judged by the number of investigations, prohibitory statutes and prosecutions. Fire insurance investigations have been conducted by at least nine States, during the past three or four years—New York, Illinois, Wisconsin, Texas, Illinois, Kansas, Missouri, Louisiana and Pennsylvania. In 1912 an investigation by the Bureau of Corporations involving an estimated expenditure of from \$30,000 to \$300,000 was proposed. The Insurance Commissioner of Illinois in May, 1914, employed a special investigator to determine the reasonableness of rates in that State. The States of Missouri and Kentucky were for a time partially deprived of insurance, as a result of laws aimed at underwriters' associations. In view of the benefits claimed for such organizations it is surprising to find twenty-seven States having general anti-trust

⁽¹⁾ See p. 29.

laws which may possibly be construed (but are not usually) as applying to underwriters' associations, seven States having laws which specifically prohibit combinations to fix insurance rates, three statutes which provide for the revision of rates by the State and three which permit State boards to fix rates. Why does such hostility exist toward such apparently useful and economical bodies? Why, when railroad tariff associations, for instance, have been legally recognized, have legislators so persistently attempted to abolish combinations for the purpose of making fire insurance rates?

A prominent insurance man has said: "The two great questions confronting the stock insurance companies at the present time are (a) a revolutionizing and standardizing of its rate-making methods to place the same upon a consistent basis, and (b) a revision of its cost."⁽²⁾ This is a mild statement of the views which have actuated the sincere but mistaken representatives of the people in their attacks upon underwriters' associations, stamping departments and "independent" raters. The work of such organizations as have confined themselves to forwarding the cause of fire protection and prevention has not been interfered with; in insurance "all roads lead to the rate question" and attention has been centered upon the rate-fixing and commission-regulating organizations. What are the contentions of those who oppose these organizations and which methods give rise to criticism? In order to properly understand the present attitude toward the associations we must consider the circumstances which gave rise to this attitude.

At the outset of this discussion it is necessary to eliminate one repeatedly disproven criticism, namely, that fire insurance companies on the whole have earned exorbitant profits, i. e., that the general level of rates is too high. This contention is based upon a comparison of profits with fire insurance companies' capital alone. Stock companies carry, however, a large surplus against possible conflagrations. This sum, which belongs to the stockholders, might be withdrawn and otherwise invested; if left with the insurance company it is entitled to some return. When the earnings are compared with the capital, surplus and a portion of the reserve (say 30 per cent) no basis exists for the complaint of exorbitant returns. In fact, considering the number of companies forced to retire from business, fire insurance seems a rather hazardous investment. The elimination of this possibility of generally excessive rates leaves only to be considered the important question of discrimination. There will be recognized discrimination between (a) classes of risks, (b) kinds of policies, (c) localities, and (d) particular risks. The regulation of brokers and agents also requires discussion. These varieties of discrimination will be considered in the order given.

Discrimination Between Classes of Risks.

Among the risks of insurance companies are included buildings and contents of many classes, such as hotels, dwellings, public halls and factories of all kinds, the rate, of course, varying not only according to the class, but with the character of the particular building and contents. All risks except those

⁽²⁾ "Some Methods of the Fire Insurance Business," *New York Journal of Commerce*, March 26, 1914.

taking minimum rates are rated by schedules, which proceed from a certain basis rate and give due additions or deductions for important components of hazard. These additions and deductions are often percentages of the basis rate. The basis rate of the class is, therefore, a very important factor in the final rate upon any particular building in that class. If it is fixed higher than it should be, every building within the class suffers an injustice, and the final rate on each is higher than it should be. A basis rate too low has an opposite effect, and confers upon the class which obtains it an undeserved benefit at the expense of other classes. Under such a state of affairs the owners of some buildings are excessively taxed in order to eke out the inadequate premiums of those favored with an unjustly low rate. How is the proper basis rate for a particular class to be determined? In general the premiums on the various classes of risks should be proportionate to the losses on these classes. If for every \$1,000,000 of insurance written on hotels, losses to the extent of \$25,000 annually occur, and for every \$1,000,000 of insurance written on apartments \$20,000 is paid in losses annually, (assuming these figures for the sake of illustration), the rate on apartments should be four-fifths of the rate on hotels. Any rate above this is an overcharge of the apartment owners. It would seem that such a principle would be instantly recognized and applied by the insurance companies; but it has been claimed that such is not the case.

A report of the Superintendent of Insurance of Missouri contained an abstract of the testimony of Mr. F. J. Fetter, who promulgated fire rates for all parts of Missouri except St. Louis County, and Mr. Fetter is reported as follows:⁽³⁾ "I had no figures or experiences from any of the companies showing their losses or profits on the various classifications to aid me in making up the rates. During the time that I rated the State I collected no actual data or experience of the companies showing their losses or profits. It may be, however, that under this system a man who owns a building of one kind, like a fireproof building or a sprinklered building, would be paying more than was sufficient to carry his risk; while another man owning a building specially liable to be burned would be paying less than he ought to pay, but it has been the practice to lump together the experiences from all the different schedules and base rates on these aggregate results. The rates that I made were called estimates. We had better call them estimates until they are approved, and then they become rates. They were what I considered fair, but might be termed guesses." Mr. H. M. Hess, chairman of the Missouri Actuarial Bureau, testified as follows:⁽⁴⁾ "I have never seen any statistics covering fireproof buildings. I have no statistics to justify any of the basis schedules other than what I have quoted as to the average experiences of the State of Missouri, and they cover only the aggregate results. Many of the schedules may be too high, and others too low, but in the aggregate they produce fair and reasonable profits." Mr. J. V. Parker, whose business is the study of fire hazard and the formulation of schedules and rates, said: "No tabulated

⁽³⁾ Report for 1912, pp. 9-10.

⁽⁴⁾ Report for 1912, p. 11.

or classified statistics are filed in my office. The general loss ratio of all companies on all classes of business in each State and over all States, as shown by 'Insurance by States' and the National Board of Fire Underwriters' printed proceedings, are the available statistics showing the relation of premiums to losses on all classes of business." Mr. Parker was asked the following questions: "Did you ever see any statistics on sprinklered business? Ever see any on fireproof buildings?" and his answer was, "I have not." The fire insurance companies doing business in the State of Missouri were written to and their answers confirmed the facts set forth, almost all stating that no such statistics were kept.⁽⁵⁾ If the lumping together of loss statistics was followed to its logical conclusion premium calculations would also be lumped together and all classes of risks would start with a common basis rate, say \$1 per \$100. As a matter of fact, the path of progress leads in another direction,—toward differentiation.

The question immediately arises, why is one risk rated twenty times as much as another? Why is the basis rate on grain elevators \$1.50 and on iron foundries \$1, machine shop schedule \$1.25, tin can factory \$1.59, flour mill schedule \$1.75? Equal basis rates are not demanded, for that would be even more unjust than present arrangements; but the theory is that a fire rate equitably measures the fire hazard, and if there is no record of experience to show that there is a greater risk assumed under a sawmill schedule with a basis rate of \$2.50 than under a school schedule with a basis rate of 50 cents, how can it be determined that these rates are fair and reasonable? In other words, has not the questioner as much proof of the inequity of the several rates as the defender has of their correctness, that is to say, none at all? How could those promulgating rates justify them to the public? In other words, the critics claimed that the associations' rates were not based on classified statistics.

It was stated with reference to one association that "there are no figures officially gathered which will accurately reflect the ratio of losses to premiums in exchange territory. Practically all rating is done independently of other rating organizations upon bases and schedules peculiar to the exchange, and it should be considered as a matter of importance to ascertain the premium rate, the premium volume and the loss ratio, in order to test the results of its rating methods. It, therefore, seems almost incredible that no systematic effort was ever made by any one in authority to ascertain these figures." This was claimed to be true both as regards classes of risks and aggregate business.⁽⁶⁾ The attempts to gather statistics for rate-making were alleged to be few and far between, and on a number of occasions important rate changes were based upon incomplete and unsatisfactory data. In a statement by the New York Superintendent of Insurance the following appeared:⁽⁷⁾ "It is a noteworthy fact that, with the exception of rates on very few classes, the rating associa-

⁽⁵⁾ Annual Report of the Superintendent of Insurance of Missouri, for 1912, p. 14.

⁽⁶⁾ Report on Examination of New York Fire Insurance Exchange, July 21, 1913. New York Insurance Department, pp. 10, 95, 125. (Hereafter referred to as "Report.")

⁽⁷⁾ THE MARKET WORLD AND CHRONICLE, 1913, p. 91. See also Report, pp. 95, 99, 106 and 107.

tions are obliged to grope their way without the aid of the statistical experience of the companies for whom the rates are made. It is in evidence that the associations on various occasions requested their members to furnish figures on certain classes, and when the association succeeded in obtaining a fair volume of figures it was considered worthy of comment. With the exception of competitive rates, changes in rates have been made in the past for two reasons: First, because one or more companies discovered that a certain class proved unprofitable, the result generally being an advance in that class; second, because a distinct class of insurers would band themselves together, collect from sources available to them statistics regarding the premiums and losses in that class and then threaten to form or insure in mutuals unless the rates in the class in question were lowered; and, generally, such action was followed by a reduction in rates."⁽⁸⁾

To appreciate the situation which is here complained of one must know the origin and purpose of the classification of figures kept by the various companies. They were prepared for the purpose of competition, in order to measure the profitableness of writing various classes of risks. Such lists were maintained at heavy expense, for each policy written had to be carefully examined to determine the class of risk. A. F. Dean cites an instance of a risk of \$5,000, wrongly classified, which affected the loss ratio of one class 25 per cent and of the other class nearly 100 per cent, which illustrates the necessary degree of care.⁽⁹⁾ They were and are guarded as secrets by each company—regarded as a kind of stock in trade. In earlier days, when one company not only could but was forced to make its own rates because of lack of co-operation, these classifications served in a crude way as a scale by which to measure rates. At the present time, when companies are compelled to carry all classes of risks, desirable and undesirable; when companies co-operate, to some extent at least, to make rates; when competition is keen and the margin of profit small as compared with earlier periods; the usefulness of these classifications in their present form has ended. The following table,⁽¹⁰⁾ covering a number of companies for a five-year period and showing the best and poorest loss ratio (from the standpoint of the company), is sufficient to give an idea of their unreliability:

Class No.	Showing of Any One Company as Regards	
	Lowest Loss Ratio.	Highest Loss Ratio.
1.....	.00	1.11
2.....	.10	2.13
3.....	.00	1.31
4.....	.06	1.28
5.....	.18	1.69
6.....	.03	.92

In discussing this phase of the public's criticism we may dismiss at the

⁽⁸⁾ For an example of successful results of such a procedure see the report of the Fire Insurance Committee, National Convention of Building Managers, reported in "Building Management," August, 1911, said Committee having prepared an interesting comparison of about 160 office buildings.

⁽⁹⁾ A. F. Dean, "Fire Rating as a Science."

⁽¹⁰⁾ A. F. Dean, "Fire Rating as a Science," p. 74.

outset all question of the possibility or desirability of classified statistics as a basis for rates; this is an open question among underwriters.⁽¹¹⁾

There can be no doubt, however, that such statistics would do much to satisfy the public that the rating system rested on a tangible base. The lack of them is nevertheless not traceable to underwriters' associations, but rather exists in spite of the efforts of these bodies. Evidently the spirit of co-operation among the companies is not strong enough to induce them to surrender certain figures which, in their hands, are weapons of competition, but in the possession of the associations would be a defense against discrimination. It is of record that various associations have often used every effort to secure statistics which would better enable them to make rates in particular localities. Their failure is but an instance where co-operation has failed to abolish privately-kept statistics which are relics of former competition.

Furthermore, regardless of the extent of accuracy of a schedule itself, considerable opportunity for its imperfect application was claimed to exist. In a former section⁽¹²⁾ some of the more important schedules used by a large association were described. A great variety of rules are applied in the work of using these schedules, which are of extreme importance to the insured and should be available for reference by all members of the association. In some cases, however, no properly codified sets of rules were possessed and since no one rater was familiar with all the rules the natural consequence was that uniformity in their application was impossible. No attempts have been made, however, by the associations to keep these rules secret. On the contrary, of late years they were, in many cases, published in the bulletins issued by the exchanges. The early rules which still remained in force, nevertheless, were unknown to brokers. Knowledge of a large number of the rules became the possession of a few brokers, through long experience or otherwise, and

⁽¹¹⁾ Some authors, including underwriters, admit the value of classified data, whereas many others deny that its collection is possible and some its usefulness if it could be collected. For the first view see

David Rumsey, "A Suggestion for a Method for the Control of Fire Insurance Rates," *THE MARKET WORLD AND CHRONICLE*, December 6, 1913, p. 722.

Report of the New York Legislative Investigating Committee, 1911, p. 68.

Report of Special Committee on Uniform Classification of Fire Insurance Experience, National Association of Insurance Commissioners, 1913.

Report of the Insurance Commissioner of New York, 1913. See also *THE MARKET WORLD AND CHRONICLE*, February 28, 1914, p. 292.

E. G. Richards, "Classification—Discrimination," address before Insurance Society of New York, 1913.

E. G. Richards, "Why I Believe in Classified Experience," address before Insurance Library Association of Boston, 1916.

E. G. Richards, "Experience Grading and Rating Schedule," 1916.

For the latter viewpoints see A. F. Dean, "Classification" and "Classified Experience." For an example of an attempt at classification see the Reports of the Texas State Rating Board and E. G. Richards, "Experience Grading and Rating Schedule," 1916. See also the author's "Co-operation and Classification in Fire Insurance," *Quarterly Journal of Economics*, August, 1916.

⁽¹²⁾ See "Local Underwriters' Associations," p. 15.

this gave them an advantage over less fortunate competitors, and the clients of the former benefits not possessed by those of the latter. Charges for exposure were formerly assessed by a "judgment" system, but of late years there has been considerable extension of the use of "exposure tables." Rules are necessary to govern the application of the tables to the different classes of risks and in addition to these numerous special rules and office practices obtained in many associations which materially modified and even completely waived the application of the exposure charge. In the case of one of the most efficient of local associations it required several months to produce a fairly complete enumeration of these rules and practices.

Often such rating rules are rather old. Some were obtained by existing associations as an inheritance from their predecessors, others they have themselves adopted from time to time. In the formulation of such rules, and particularly the older ones, consistency has not always been the principal consideration. As a result, when a risk on the border line between two schedules was rated by one, a rate was produced wholly inconsistent with the rate which would have been obtained by the application of the other. The transfer of a mercantile risk with many occupants to the manufacturing schedule because of a slight change in occupancy has been cited as an example.

Schedule rating, the advantages of which were enumerated in a previous section,⁽¹³⁾ while producing reasonable justice as between risks of the same class, does not necessarily eliminate unfair discrimination between different classes of risks. One large association may employ in its rating activities as many as twenty schedules, and many of the schedules are not designed primarily to harmonize with each other. There is also opportunity for class favoritism in the preparation of schedules. Despite its title the Universal Mercantile Schedule is not universally applied in its original form, and its use in modified form is generally confined to the larger cities in New England and the Middle States. Even in such places it applies only to certain classes of risks, and numerous other schedules upon different plans are employed for other classes. Furthermore, similar hazards may be differently charged for by different schedules. This is referred to in a later section under the heading "Discriminations Between Localities" (p. 48).

The above two criticisms, namely, the failure to collect statistics to support rates and neglect of providing a codified set of rating rules which would be harmonious, were fairly directed against the associations. As regards the first of these, laws should have been enacted penalizing companies for failure to furnish data upon which to base rates. The enactment of statutes would have relieved the companies of the fear that they alone were furnishing data, while others refrained from doing so and made unfair use of such of their competitors' figures as they could obtain. Under such laws the associations could have enforced compliance with their requests. At the present time the alternative seems to be, furnish the data to the associations or furnish it to the State under a State rating system. In the light of their past experience

⁽¹³⁾ "A Survey and Classification of Fire Underwriters' Associations in the United States," p. 3.

with State rating systems, there is little doubt as to the companies' choice. These criticisms, however, and many that follow, are only indications of the imperfections and abuses of the rate-making system. They do not in any way affect the contention that underwriters' associations are the most economical means of performing the work yet discovered, and that they perform certain other economic functions which were described in preceding articles.

In the territory covered by a large urban exchange the risks rated by schedule form but a part of the total. There still remains to be considered that large class which takes minimum rates, i. e., dwellings, churches, schools, etc., or "preferred risks." In large measure, what has been previously said applies also to these risks, for it was claimed that they, too, were granted a rate which lacked the support of loss statistics. This class was but one of the many lumped together in the aggregate figures. Mr. Hess in his testimony stated: "The Dean Schedule does not cover dwellings. On the aggregate loss theory it is not possible to state how much the companies make or lose on dwellings. It is possible under this theory for the rates on some classifications to be too low and others too high. We have no way of telling what the losses are on each classification."⁽¹⁴⁾ Minimum rated risks and schedule rated risks, therefore, subject themselves to criticism for the same reason. How can it be shown that the minimum rates granted are just and reasonable in the absence of classified loss statistics? Mr. Hess stated that it is possible that the rates on some classes might have been too high. Since nine-tenths of the dwellings are owned or rented by persons of moderate means, without influence, is not this the class likely to be charged exorbitantly? Because of the lesser hazard which must necessarily be present in this class as compared with some others, and the consequent *actual* but not *relative* lowness of the rate it is easier to collect a little additional from this class than from others more hazardous. It might be presumed that the property owner would have protested if he thought the rate was high. The companies would show him that every one who owned a dwelling was paying that rate, and the difficulty he would have of forming a combination of dwelling owners can be imagined. Secondly, a protest against factory rates is a business matter, but the questioning of a dwelling rate means time and trouble outside of business hours. Thirdly, as was stated by the Insurance Commissioner of New York, the way to obtain a reduction is to band together and collect from available sources statistics of premiums and losses; and this is plainly almost impossible in this class.

However, it is unnecessary to point out the reasons why such discrimination was present since there is evidence that it has existed. The term "preferred" is rightly applied to these risks, because underwriters do prefer them; unless they yielded a larger profit what reason for such preference would exist? Mr. James A. Waterworth, a Missouri rate expert, said, "Dwellings and minor business houses, frequently stores below and dwellings above, and generally the small stores throughout the city, are known as preferred risks

⁽¹⁴⁾ Annual Report, Superintendent of Insurance of Missouri, 1912, p. 12.

⁽¹⁵⁾ Report of Superintendent of Insurance of Missouri, 1912, p. 13.

because they are considered more profitable to the companies.”⁽¹⁵⁾ If the name applied to these risks and the testimony of raters were not sufficient evidence, the actions of the companies would be. Competition for this particular business is very keen. All companies insist upon brokers giving them their due proportion of this class of business and are always willing to accept more than their share. Larger commissions are paid for securing these risks and many companies will not accept more hazardous risks from agents and brokers unless judiciously “mixed” with “preferred” business. It has, therefore, been the practice of brokers to deliver “lines” of insurance in bulk, using the preferred risks to offset the poorer risks, and their profit partly depends upon their ability to skilfully mix risks.

This question of dwelling rates has been discussed in the more progressive journals. The Chicago correspondent of *THE ECONOMIC WORLD* wrote:⁽¹⁶⁾ “The rates on dwellings in Illinois outside of Cook County are much like those in other Western States, and they are high enough so that most of the companies appear anxious for the business at the rate. But inside the County, in towns with paved streets, waterworks, paid fire departments, electric alarms and telephones in nearly every house, rates are far and away higher than in villages outside with almost primitive protection. * * * These rates cannot be defended.” The editor of this journal, in the same issue, states: “Now, this state of things is not confined to Cook County, Illinois. It is to be found, in a greater or less degree of unfairness, inequitableness and departure from consistent uniformity, in all parts of the country where the pressure of competition has taken the form of striving for the largest possible share of an over-profitable business, rather than meeting the demands of able bargainers among buyers of insurance.”

It is not an answer to policyholders, it is contended, to allege that higher rates exist because of higher commissions to agents. The matter of commissions is to be settled between companies and agents; the policyholder has no voice in fixing the amount to be paid agents and, therefore, cannot be compelled to suffer because it is high. The owners of dwellings seem to be in the peculiar position of paying more premiums, by reason of the high commissions, in order that the companies may extract from them more profit. They offer a little more inducement to come and get their business, because it is profitable, than the same agents could obtain for writing a more hazardous factory, warehouse, or mercantile building.⁽¹⁷⁾ In New Zealand, where State fire insurance has been in force for eight years, the greatest reduction in rates claimed has been on dwellings—33½ per cent.

The factors considered in the rating of a risk may be divided into three

⁽¹⁶⁾ *THE MARKET WORLD AND CHRONICLE*, January 13, 1912, p. 35.

⁽¹⁷⁾ See letter of one manager to New York Fire Insurance Exchange with reference to an increase in rates on household furniture in brick dwellings, in which he says: “Not only is its exceeding sweetness drawing many ‘flies’ that are increasing the competition both fair and unfair, but the companies have no right to advance rates on property that they are willing to pay an agents’ commission on of 35% in addition to other expense direct or indirect of not less than 10 or 15%.” Report, p. 102.

groups, construction, occupancy and exposure. Complaints have been made of the rules and methods adopted by exchanges for the measurement of exposure. It has been stated that "the rules and their application have moreover resulted in injustice and absurd inconsistencies, which discredit the judgment of the underwriters responsible for such conditions." Failure to modify exposure tables to conform to improvements in protection and the existence of little known exposure rules are claimed to have resulted in great variation in the exposure charge as applied to risks rated by different schedules, and, in fact, as applied to risks rated on the same schedules, but belonging to different classes, as well as in the relationship of the exposure charge as applied to stock or contents when compared with the exposure charge applied to buildings. With regard to one city it has been stated that "The exposure table has remained practically unchanged during the thirteen years of the existence of the exchange. The use of the table during that period has been steadily extended, until it now covers almost all classes of risks, and its application, where used, has in recent years become more rigid. As a result, the exposure charge now constitutes a more important element of the rates fixed by the exchange than at any other period of its existence. And this, notwithstanding that the exposure hazard has been materially lessened by the installation of the high pressure system, and an increased efficiency of the fire-fighting force. * * * The high-grade public protection against fire has a tendency to equalize the exposure hazard from risks of varying character, although underwriters fail to recognize it in the rating."

Injustice also results, it is alleged, from unfair discriminations between classes in the exposure charge, resulting from difference in the basis rates or the application of different schedules. For example, a sculptor's studio furnished a basis for a greater exposure charge than a newspaper printing plant. Risks exhibiting dangerous conditions suffer an increase in rates therefrom, which results in increased rates on neighboring risks through the exposure charge. Nevertheless, associations have refused to divulge the reasons for the advanced rates to interested and affected neighbors and have not assumed it to be part of their duties to co-operate with the fire prevention authorities to have the improper conditions remedied.

One of the objects for which insurance associations exist is the improvement of construction and the reduction of fire waste. Fire rates are the greatest factor in effecting good construction and improving poor, because of the direct pecuniary interest involved. Fire insurance companies have promised property owners for some time that if proper precautions were taken and losses reduced, premiums would be lowered. Of the devices for reducing fire damage the automatic sprinkler is one of the most important. When the fire becomes hot enough to melt solder on a sprinkler head the place is flooded with water. This is a device which has proved very effective and many owners of mercantile and factory buildings have installed it. Under the present method of aggregate loss statistics, how do these owners know they have been granted the proper reductions? Some of the rates, upon risks equipped with automatic sprinklers, it is certain, have been made without the assistance of any guiding statistics or any knowledge of what aggregate profit is made on

this class of business. In one large city the rates upon sprinkler risks were not reduced until competition by factory mutuals forced this action, and then those risks already insured with mutual companies and those threatened with competition were first considered. The restricted sprinkler schedule here was concededly devised to meet competition, and apparently the changes in it and the rules applying to it have generally been made owing to mutual competition.

The preceding attempts to give some idea of the conditions which were believed by the public and the legislators to exist in fire insurance, as regards discrimination between classes of risks.⁽¹⁸⁾ In addition different kinds of policies, localities and particular risks suffered it was believed because of abuses of the system of rate-making. Because of the suspicion with which business combinations of all kinds were regarded, every instance of this kind was exaggerated and every particular instance considered a general condition. No effort was made to ascertain whether the associations possessed advantages which offset the disadvantages,⁽¹⁹⁾ and an antipathy was consequently engendered which demanded the abolition of all forms of co-operation.

Thus far ⁽¹⁾ a cause of the public enmity toward underwriters' associations was sought in the discrimination which was believed to exist between classes of risks. Other causes of anti-compact, State rating and regulative laws were discriminations between kinds of policies, between different localities and particular risks. While some contended that rates in general were too high, it was generally admitted that any real cause for criticism must be found in the pernicious practice of favoring some risks as compared with others.

Discriminations Between Kinds of Policies.

Fire insurance policies may be divided into three classes, according to their duration. Annual policies are customary. There also exist, however, "term" policies having durations of three and five years and "short term" policies or insurance for less than one year. The object of insuring for three or five years in preference to one year is to obtain a so-called "term" rate, which is lower, proportionately, than the annual rate on the same property. The rate for a term of three years is usually only double the annual rate and for a term of five years only triple the annual rate. The justification for these rates has long been a mystery to the public, largely because they could not be reconciled with certain contentions of the underwriters. If the annual rate is proper, fair and only adequate to cover losses, expenses, contingencies and a five per cent profit, as has been claimed, how can insurance for five years be granted at a lower rate? On the other hand, if the five and three year or "term" rates are sufficient to cover these various items, why should a higher rate be charged for one-year policies?

⁽¹⁸⁾ All of the criticisms contained in this section, it is to be understood, are not endorsed by the author.

⁽¹⁹⁾ The very important economic function of the associations have been described.

⁽¹⁾ Page 36.

There are, of course, some elements which are not currently taken into account, two of these being:

- (1) The interest which is earned on the larger amount paid in as a premium at the beginning of the term, on the term basis, and
- (2) The saving in expense due to writing five years' insurance, say, at one time.

Suppose we have a risk bearing an annual rate of \$1.15 which is granted a term rate of \$3.45 for five years' insurance. The apparent difference between the two rates is \$2.30, which, however, is partly accounted for by the two elements just named. Let us assume that the term premium is received at the beginning of the term and the annual premium on the first of each of the five years. We may assume that the company will earn interest on the amounts held, considering the nature of the funds; that losses, on the average are paid in the middle of the year and consume 55 per cent of premiums; that expenses amount to 35 per cent; conflagration fund, 5 per cent; and profit, 5 per cent.⁽²⁾ If figures were available showing the interest which might be earned by the company on funds on hand it would be possible to compute the saving in the form of interest which results from the collection of a term premium. For example, out of an annual premium of \$1.15 paid in at the beginning of the first year of the term must be taken 35 per cent for expenses, leaving 74.75 cents. For half a year this sum earns interest and in the middle of the year losses of 63.25 cents (55 per cent of \$1.15) must be paid, leaving a small remainder to accumulate at interest for the remaining half year. At the beginning of the second year a second premium of \$1.15 is paid and the process repeated. If, however, a term premium of \$3.45 is collected at the beginning of the first year and expenses of 40 cents are deducted, the sum of \$3.05 remains to earn interest for one-half year. At the end of this time 63 cents is paid out for losses, leaving \$2.41 to accumulate at interest for one-half year. It can be seen that there is a considerable gain in interest and saving in expense on the term plan from the standpoint of the company.

There are, however, two other elements which have not been considered:

- (1) The advantage of keeping the business, and
- (2) Of having on hand the premium, whether earned or not, in case of loss.

These are advantages to the insurer difficult to estimate, and it is a matter of opinion whether they would be of sufficient advantage to compensate for the 44 cents difference in premium receipts. It must be acknowledged, however, that a high estimate has been made of the saving in expense. On the other hand, the risks which are granted term rates are usually of a less hazardous nature and losses on them would probably be less than the average of 55 per cent of premiums, while losses on others would probably be greater than the average. In general, the conclusion may be drawn that the difference complained of between annual and term rates has usually been exaggerated.

Term rates are not granted to all classes of risks, and with respect to the favored ones practices vary with different sections of the country. Some risks

⁽²⁾ Report on Insurance to Senate and Assembly of New York, February 1, 1911.

cannot be insured for more than one year; others may be, but must pay the full annual premium without reduction for the longer term; others may be insured for long terms by increasing the premium by one-half for each year over one, and still others by increasing the premium by three-fourths for each year after the first. Furthermore, the risks are not placed in these groups because of peculiar characteristics or established classifications, but are shifted from time to time "without any definite guiding principle or standard."⁽³⁾ The reasons which are said to justify term rates are (1) that they tie up the business longer, (2) that a larger amount of interest is earned, (3) that the expense is reduced, and (4) that they provide a premium, whether earned or not, available if loss occurs. As far as buildings are concerned, why should there be a distinction in the ratio of term rates to annual rates, considering these factors? Which of these reasons applies to one class of buildings and not to another? So far as can be seen, none of them affords any basis for discrimination between classes. The most important objection, therefore, to term rates is the arbitrary manner of allowing them on some risks and not on others. A. F. Dean says, "If this (a standard scale for long term rates) were adopted as a standard, and as universally observed as our present short rate standard, it would have two excellent results. First, it would stop the growing confusion in our tabulated annual statistics, caused by the ominous growth of term risks. Second, it would prevent discrimination in favor of the man with ready cash who cannot put it to more profitable use than to save a year's premium on his three-year policies. * * *"⁽⁴⁾

As regards short term risks, the situation is considerably better. Several such tables have been promulgated, including that of the Western Union, and these tables are usually applied to risks regardless of class.

What has been said above regarding long and short term risks serves to illustrate the conditions which exist in business where co-operation is absent or restricted. If, even with the assistance of associations and boards, non-uniformity exists, the situation under unrestricted and unprincipled competition may well be imagined. It is probable, for instance, that instead of the Western Union table for short rates being generally applicable throughout the Middle West, every company would establish any standard of measurement it thought proper or advisable, and the extent of discrimination would be only limited by the ability of the powerful to force concessions from the companies.

Discrimination Between Localities.

A third type of discrimination is that which differentiates between localities; and an evil which was apparent even to underwriters was the failure to harmonize and relate the rates of different parts of the country. Co-operation has to a large extent established a relation between the rates on all the risks within the territory of individual exchanges, but co-operation had not then and has not yet reached the stage where any definite relation can be shown to

⁽³⁾ A. F. Dean, "Standardization," Proceedings, 42d Annual Meeting, Fire Underwriters' Association of the Northwest.

⁽⁴⁾ A. F. Dean, "Standardization," Proceedings, 42d Annual Meeting, Fire Underwriters' Association of the Northwest.

exist between the rates on particular classes of risks in New York and in San Francisco, for example. Commenting upon the system of rating in 1901, A. F. Dean said, "We construct a basis schedule of each State, but cannot show that it bears any logical relation to the schedules of other States. We say that each individual rate is the sum of a basis rate combined with certain charges and credits, but cannot show whether this basis rate is relatively correct when compared with others, nor can we show that the charges and credits which permeate many classes are consistently imposed upon each class. This naive disregard of relations crops out not only in the comparison of every existing basis tariff with other tariffs, but in the comparison of parts of the same tariff with other parts."⁽⁵⁾ Selecting ten tariffs Mr. Dean compared their charges for specific defects, and rearranging his table, it shows the following:⁽⁶⁾

	Number of Times Some Charge Appears in all Tariffs.	Am'ts of Different Charges Made for Same Defect.
Awnings, wood, on one-story building.....	4	5 cents
	4	10
	1	20
Lighting by other than gas or electricity	2	5
	27	10
	5	15
Metal stack through roof (metal roof)	26	25
	3	5
	1	15
	9	25
	3	50

These are three examples picked from a list of thirty-two at random, which serve to show the inconsistencies in charges. It is doubtful if the same extent of inconsistency can be found to-day, for rating methods steadily improve, but similar differences can be found, even if not of the same extent. Quoting again from the same authority:⁽⁷⁾ "It would be a truism to say that in the face of inconsistencies so glaring, explanation or defense is impossible. The public contention that rates are made 'by guess and begad' is susceptible of proof from the documentary evidence contained in our own tariffs. It matters not that * * receipts and disbursements come out exactly even, if taken for decade periods; in other words, that indemnity as a whole is practically sold at average cost. Our failure to make a profit does not concern the public, but our failure to maintain reasonably true rate relations offends the sense of relation which is instinctively the basis of every reasoning process. Even low rates that are inequitable are an offense to common intelligence."

Within the last year or so the relation of the rates on urban dwellings to those on suburban risks has been the subject of contention. There is quite a difference between a farm building, subject to burning for an hour, perhaps, through the failure of untrained volunteer firemen to respond or by their lack of knowledge and efficient apparatus, and a city dwelling, surrounded by hun-

⁽⁵⁾ A. F. Dean: "Fire Rating as a Science," p. 53 et seq.

⁽⁶⁾ *Ibid.*, p. 53.

⁽⁷⁾ A. F. Dean: "Fire Rating as a Science," p. 54.

dreds of volunteer firemen and within ten minutes' journey of an improved chemical engine. Yet in some States practically no allowance was made for the difference in hazard due to municipal water supply and fire departments. Thus at one time, for example, the rate on frame dwellings in the State of Illinois was 40 cents, with no charge added for exposure, while dwellings in Chicago, with water supply and fire department, paid 50 cents and a charge for exposure in addition.⁽⁸⁷⁾ Even the Illinois Commission, assisted in its investigation by a prominent underwriter, which rendered the most favorable State report on conditions in the fire insurance business prior to the New York report, was compelled to say, "It is very hard to escape the conclusion that owners of dwellings in Chicago are grossly overcharged."⁽⁸⁸⁾

Discrimination Between Particular Risks.

More unfair, however, than discrimination between classes of risks, kinds of policies and localities, are discriminations between individual risks. This type of favoritism has been considerably diminished of recent years, but still exists to some extent. An agent represents sometimes as many as twenty different companies. In order to place large risks without dividing his commissions with other agents this is a necessity, for the companies restrict the amount they will write on any one risk in order to obtain good distribution. The agent has a lot of smaller risks which all the companies desire and urge him to supply them with, even maintaining special agents to see that they receive their share of such "preferred" risks. He also has some risks which no company wants *at the price offered*. The agent, under the compulsion of the owners of the large but poor risks, takes advantage of this situation and shrewdly mixes the good with the poor, offering the lot in bulk to the various companies. All or none must be taken, and by careful mixing and the competition of the companies, the agent usually succeeds in placing his risks. The existence of the preferred risks, which he wants, thus compels the manager of a company to accept other risks at inadequate premiums. The large risks are able to command such advantages solely because of their size, the large commissions obtained by the writing and the competition of the companies.

The manner in which companies may compete in rates is shown by an illustration by L. W. Zartman.⁽⁸⁹⁾ "Let us assume that a risk, say a factory, is offered to the company; the company wants the business, but competition is keen and a competitive rate must be named. To find out this competitive rate it is only necessary to analyze the expenditure of the company. The total premium income, in general, is paid out as follows:

Losses	55 per cent
Commissions	15 per cent
Salaries of special agents.....	5 per cent
Home office expenses.....	15 per cent
Taxes	3 per cent
Profit	7 per cent

⁽⁸⁷⁾ Report of the Illinois Fire Insurance Commission, to the 47th General Assembly, p. 57.

⁽⁸⁸⁾ *Ibid.*, p. 57.

⁽⁸⁹⁾ L. W. Zartman: "Yale Readings in Insurance," New Haven.

“If the burning ratio on the class to which the factory in question belongs is \$0.825 per hundred, in order to get the current rate of profit, to charge the factory its proportion of the fixed expenses and to pay the agent the regular commission, the company would have to name a rate of \$1.50 per hundred on the factory. It will not charge that rate if a lower rate is necessary to secure the business from a rival, and it need not in order to make acceptance of the business profitable, as the expenses for special and home office force will continue whether that risk is accepted or not, and both of these can be ignored in making the rate. The tax will have to be paid, and some commission to the local agent, though at times the agent is willing to take a smaller commission in order to induce the company to accept the risk. Therefore, a company can fix a rate of \$1.00 on the risk and still make a profit as follows:

Expected loss	\$0.825
Taxes03
Commission10

which make a total expense of \$0.955, leaving a profit of nearly 5 per cent to the company upon the transaction, even with the heavy reduction in rate.” It is unnecessary to point out that some other risks bear this factory’s proportion of the expense, which it did not pay.

The above illustrates exactly the situation which would prevail universally, and has prevailed universally, without the existence of some means of restricting competition, such as underwriters’ associations. When such associations were mentioned by the writer to an officer of a very large corporation the latter said: “Oh, they aren’t of great account. When we talk to a broker about placing our business we always tell him that if he has in mind an underwriters’ association rating he is just wasting his time. We won’t have anything to do with them.” This is the most potent argument that could be advanced in justification of such co-operation. This large corporation, through the value of its large insurance business, induces companies to compete, obtains a lower rate than its competitors can hope for, and thus compels underwriters to disregard the agency which they have established to promulgate uniform rates.

A study of these associations shows that from them result in fire insurance the many direct and indirect advantages which follow co-operation in any business pursuit, and in addition the technical character of this particular business renders their existence especially valuable, both to the companies and the public. As with every other economic agency, however, the same power which in general renders public service may be utilized in some instances and to some extent for private gain and to the general detriment. Thus the Interstate Commerce Commission unofficially recognizes now that railroad traffic associations are absolutely necessary in present-day land transportation; Congressional committees realize that agreements between steamship lines are the only solution of certain water transportation difficulties; and yet it is also seen that certain abuses of the existing system are liable to become prevalent. So in fire insurance co-operation was a certain misuse of power introduced, insignificant in comparison with the general improvement of present methods over old, but which legislators desired to eliminate.

These evils in the midst of good may be briefly outlined as follows:

1. Discrimination between classes of risks:
 - A. Inability to justify basis rates by classified statistics;
 - (1) Failure of associations in collecting statistics;
 - (2) Incompleteness of the figures in existence.
 - B. Diversity and imperfect compilation of rules for rating.
 - C. Lack of harmony between class schedules.
 - D. Overcharge on "preferred" risks.
 - E. Absence of relation between exposure charges.
2. Discrimination between kinds of policies:
 - A. Term rates.
3. Discrimination between localities:
 - A. Lack of harmony between schedules of various localities.
 - B. Inconsistencies of urban and suburban rates.
4. Discrimination between particular risks:
 - A. "Mixing" risks.
 - B. Making reductions for large lines.

Many difficulties in the treatment by legislators of this common phenomenon were created by the mistake of applying old legal principles indiscriminately to new conditions. Thus the mere fact that fire insurance companies combined in rate-making and that such combination did not immediately perfect conditions caused them to be placed in the category of evil trusts, and their interconnection to be abolished at all costs. This section was intended to show the origin of such an attitude; the development of resulting legal restriction from the prohibitory basis to the regulatory principle remains to be discussed.

THE LEGAL STATUS OF FIRE UNDERWRITERS ASSOCIATION

IT is almost unnecessary to point out that the power of the several States to regulate the business of insurance within their respective borders is derived from the decisions of the United States Supreme Court in *Paul vs. Virginia* (1868)⁽¹⁾ and *New York Life Insurance Company vs. Deer Lodge County, Montana* (1914).⁽²⁾ In the first of these the court enumerated the principle that contracts of insurance "do not constitute a part of the commerce between the States" but are "local transactions" and "governed by the local law"; in the second case the court reaffirmed this principle. Improper conditions are, therefore, not remediable by the application of any of the Federal statutes relating to interstate commerce, but the regulation of this business consists entirely of the diverse and ever-changing laws of the various

⁽¹⁾ 8 Wall, 168.

⁽²⁾ United States Supreme Court, Spring Term, 1914.

The Supreme Court of the District of Columbia dismissed a bill for injunction to restrain the Home Life Ins. Co. of New York from continuing as a member of the Underwriters' Association of the district. It held that the Sherman Act did not apply to insurance.

States. The activities of fire insurance associations may be restricted in any of four ways:

- (1) By virtue of the common law, in the absence of statutes specifically limiting the manner of doing business.
- (2) Under "anti-trust" laws, either in the form of
 - (A) General anti-trust laws, of the nature of the well-known Federal "Sherman Act," governing all kinds of business, or
 - (B) Statutes governing insurance companies only or specially mentioning these as included within their scope.
- (3) By means of State rating laws which are either
 - (A) Laws providing that the State shall prescribe maximum or actual rates, or
 - (B) Laws which require that all rates must be approved by some State authority.
- (4) By acts providing for the supervision of rate-making in certain particulars by State officials having power to prevent abuses.

The Common Law.

It is probable that insurance companies might have escaped molestation for many years had it not been for the inauguration of the once-popular antipathy to combinations of all kinds. In this insurance associations could not fail to be included and a multiplication of suits under the common law was the result.

The common law doctrine with respect to restraint of trade has been briefly stated as follows: "Contracts that were in unreasonable restraint of trade at common law were not unlawful in the sense of being criminal, or giving rise to a civil action for damages in favor of one prejudicially affected thereby, but were simply void, and were not enforced by the courts."⁽³⁾ "Where the sole object of both parties in making the contract as expressed therein is merely to restrain competition, and enhance or maintain prices, it would seem that there was nothing to justify or excuse the restraint, that it would have a tendency to monopoly, and therefore would be void."⁽⁴⁾

The courts have uniformly refused to consider associations of fire underwriters, having for their purpose the fixing and maintenance of rates, as illegal or void per se.⁽⁵⁾ Even where the term "unlawful" has been applied by the courts to associations of this nature, as in *Beechley vs. Mulville*, it has probably been used in the sense of extra-legal, rather than as meaning that it furnished a ground for criminal or civil action. In several cases this attitude has been maintained even though the court seemingly admitted that it considered the particular defendant's actions as a restraint of trade. Thus it was

⁽³⁾ *United States vs. Addystone Pipe & Steel Co.*, 85 Fed. 271.

⁽⁴⁾ *Roller Co. vs. Cushman*, 143 Mass. 353; *Gloucester Isinglass & Glue Co. vs. Russia Cement Co.*, 154 Mass. 92; *Continental Ins. Co. vs. Board of Fire Underwriters of Pacific*, 67 Fed. 310.

⁽⁵⁾ *Harris vs. Commonwealth*, 73 S. E. 561 (1912); *Beechley vs. Mulville*, 102 Iowa 602; *Metzger vs. Cleveland*, 13 Ins. L. J. 855; *Queen Ins. Co. vs. Texas*, 86 Tex. 250; *Continental Ins. Co. vs. Fire Underwriters of Pacific*, 67 Fed. 310; *Aetna Ins. Co. vs. Commonwealth*, 106 Ky. 864.

said: "The most that can be said as to the combination to fix, regulate and control the business of fire insurance in the city of Newport News is that it was an agreement in restraint of trade. But agreements merely in restraint of trade are not illegal in the sense that they are either indictable or actionable."⁽⁶⁾ Contracts to maintain rates are, however, extra-legal and unenforceable.⁽⁷⁾ In *Harris vs. Commonwealth*, the court quoted *Mogul S. S. Co. vs. McGregor*, as follows: "Contracts as they are called, in restraint of trade, are not, in my opinion, illegal in any sense, except that the law will not enforce them. It does not prohibit the making of such contracts. It merely declines, after they have been made, to recognize their validity. The law considers the disadvantage so imposed upon the contract a sufficient shelter to the public" (p. 563). Parties thereto cannot resort to the courts for enforcement or for redress against an associate. In *Beechley vs. Mulville* it was said: "Of this combination plaintiff was a member. The penalties imposed, among which is that of 'removal of all companies from the offending member,' are specified in the compact, and his name is signed thereto. He is himself one of the conspirators who devised and put in operation that which caused his injury. * * * It can be said, undoubtedly, that plaintiff has caused the injury of which he complains by his unlawful acts."⁽⁸⁾

Such associations may be, and have been, attacked, however, on grounds of public policy. Under such circumstances it must be shown that the restraint exercised is unreasonable and affects the public interest, or is employed with respect to an article of necessity.⁽⁹⁾ "In cases like this the decisive question then is: Is the rule a reasonable trade regulation, or an unlawful restriction upon the right of the individual to employ in the conduct of his business such legitimate means as are needed to successfully carry it on? If it is not a reasonable business regulation, it should not be upheld. * * *"⁽¹⁰⁾ The view is well supported that insurance is affected with a public interest and is at least of a quasi-public nature.⁽¹¹⁾ "The conclusion that we reach from these considerations is that the business of the defendants is in point of fact one that directly affects the interests of the public * * * and * * * in point of law * * * is affected with a public interest."⁽¹²⁾ The New Jersey Chancery Court stated that insurance companies are not public or quasi-public bodies,⁽¹³⁾ in an opinion which was overruled. Insurance is, furthermore, not a necessity of life and not indispensable.⁽¹⁴⁾

Successful actions at common law against underwriters' associations have

⁽⁶⁾ *Harris vs. Commonwealth*, 73 S. E., p. 563.

⁽⁷⁾ *Harris vs. Commonwealth*, 73 S. E. 561; *Beechley vs. Mulville*, 102 Iowa 602; *Metzger vs. Cleveland*, 13 Ins. L. J. 855.

⁽⁸⁾ 102 Iowa, 610.

⁽⁹⁾ *Louisville Board of Fire Underwriters vs. Johnson*, 119 S. W. 153 (1909).

⁽¹⁰⁾ *Louisville Board of Fire Underwriters vs. Johnson*, 119 S. W. 157 (1909).

⁽¹¹⁾ *McCarter vs. Firemen's Fund Ins. Co.*, 73 Atl. 80 (1909); *Citizens Ins. Co. vs. Clay, et al.*, 197 Fed. 435 (1912); *Queens Ins. Co. vs. State*, 102 S. W. 1048 (reversed on appeal).

⁽¹²⁾ *McCarter vs. Firemen's Fund Ins. Co.*, 73 Atl. 85 (1909).

⁽¹³⁾ *McCarter vs. Firemen's Fund Ins. Co., et al.*, 61 Atl. 705 (1905).

⁽¹⁴⁾ *Harris vs. Commonwealth*, 73 S. E. 561 (1912).

been few in number, but several of the associations' acts have been declared to be illegal. Thus, where efforts were made to regulate rates, commissions and the intercourse of members and, it was alleged, to boycott certain companies, if such efforts could have been plainly shown to have been the actions of the association, the decision would have had to be against it.⁽¹⁵⁾ Provisions prohibiting members from writing insurance for non-members; from having more than two agents with offices in the congested portion of a city; from disclosing the manner of making rates to anyone except a member of the board expressly designated by the owner of the risk; provisions requiring the cancellation of risks written at other than the board rates; and the practices of adding charges for faults of management, etc., without giving notice that such charges were removable if the faults were remedied; and of notifying members of the final rate without giving details, are contrary to public policy, illegal and void.⁽¹⁶⁾ Other decisions have held the delegation of rate-making powers to an association to be ultra vires an insurance company^(17x) and a by-law stating that "no member of this board shall take the agency of a company which has already an existing agency in a city" to be reasonable and not illegal.

Statutes Prohibiting Combinations in General.

Several attempts were made to bring fire insurance exchanges within the scope of a common type of statute which prohibits combinations, contracts, agreements, etc., in restraint of "trade," "commerce," "business," "dealings in commodities," "products," etc. The following law of Iowa⁽¹⁷⁾ furnishes an illustration of this general type of law, which exists in many other States⁽¹⁸⁾ and is hereafter referred to as "anti-trust" legislation.

Pools and Trusts.

"Any corporation organized under the laws of this or any other State or country for transacting or conducting any kind of business in this State, or any partnership, association or individual, creating, entering into or becoming a member of or a party to any pool, trust, agreement, contract, combination, confederation or understanding with any other corporation, partnership, association or individual, to regulate or fix the price of any article of merchandise or commodity or to fix or limit the amount or quantity of any article, commodity or merchandise to be manufactured, mined, produced or sold in this State, shall be guilty of a conspiracy."

Cases involving such statutes have principally raised the question of whether their general terms included insurance, and decisions have usually been to the effect that they do not. Thus in several cases it has been declared that insurance is not "trade" nor a "commodity" within the meaning of these words as used in the acts.⁽¹⁹⁾ "We conclude that the word must be construed in a more restricted sense, and as synonymous with 'traffic' * * * but

⁽¹⁵⁾ Continental Ins. Co. vs. Board of Fire Underwriters of Pacific, 67 Fed. 310 (1895).

⁽¹⁶⁾ State vs. Board of Underwriters of Allegheny County, Court of Common Pleas, Pittsburgh, Pa., May 7, 1913.

^(16x) McCarter vs. Firemen's Fund Ins. Co., et al., 73 Atl. 85.

⁽¹⁷⁾ Code of Iowa, 1897, Sect. 5060.

it does not embrace the business of insurance, which is trade only in the sense that it is an occupation or employment. * * * It is only by a strained construction that the word commerce can be made to embrace the business of insurance. * * * Insurance is neither produced, consumed, manufactured, transported, nor sold in the ordinary signification of any of these words, and therefore it is not within 'the plain import' of the language employed in the act."⁽²⁰⁾ The above objections were successfully overcome in Texas by the insertion in the statute of the word "business."⁽²¹⁾ It is evident that general statutes of the nature we have been discussing, in order to include insurance within their scope, must be specific and accurate in wording.⁽²²⁾

⁽¹⁸⁾ The following is a list of State anti-trust statutes, not specifically mentioning insurance, with their citations, existing January 1, 1914:

Alabama, Code 1907, Chap. 69, Sect. 7579 et seq.

Arizona, Laws 1912, Chap. 73.

California, Laws 1909, Chap. 362.

Colorado, Laws 1913, Chap. 161.

District of Columbia, U. S. Statutes at Large 209, Sup. 2d d., 762.

Hawaii, Revised Laws, Sect. 3100.

Idaho, Laws 1909, p. 297.

Idaho, Laws 1911, Chap. 215, p. 688.

Illinois, Laws 1891, p. 78, amended to 1901.

Indiana, Burns Annotated Statutes, 1908, Sect. 3878, et seq., Sect. 3884 et seq., and Sect. 3889 et seq.

Iowa, Code 1897, Sect. 5060, and Laws 1909, Chap. 255.

Kentucky, Russell's Statutes, 1909, Sect. 3717 et seq.

Louisiana, Laws 1890, Act 86, and Laws 1892, Act 90.

Maine, Revised Statutes 1903, Chap. 47, Sect. 53 et seq., Laws 1913, Chap. 106.

Massachusetts, Laws 1908, Chap. 454, Sect. 1 et seq., Laws 1911, Chap. 503, and Laws 1912, Chap. 651.

Michigan, Laws 1899, No. 255, and Laws 1905, Act 329.

Minnesota, General Statutes 1913, Sect. 8973 et seq.

Montana, Laws 1909, Chap. 97, Sect. 1 et seq.

New Jersey, Laws 1913, Chap. 13.

New Mexico, C. L. 1897, Sect. 1292.

New York, Consolidated Laws, Chap. 20, Sect. 340 et seq.

North Carolina, Laws 1913, Chap. 41.

North Dakota, Laws 1907, Chap. 259.

Ohio, General Code 1910, Sect. 6391 et seq.

Oklahoma, Revised Laws, Sect. 8220, and Laws 1908, p. 750.

Porto Rico, Revised Statutes, Sect. 2373.

South Dakota, Laws 1909, Chap. 224.

Tennessee, Laws 1903, Chap. 140.

Utah, Hammond and Smith's Compiled Laws 1907, Sect. 1753 et seq.

Wisconsin, Sanborn and Berryman's Wisconsin Statutes, Sect. 1791, and Laws 1905, p. 944.

Florida and one or two other States have laws applicable to certain industries, which have not been included in the above list, inasmuch as they are not applicable to insurance. See, for example, Florida General Statutes 1906, Sect. 3160, referring to meats and other edibles.

⁽¹⁹⁾ Queen Ins. Co. vs. Texas, 86 Tex. 250, interpreting Act of March 30, 1889; Aetna Insurance Co. vs. Commonwealth, 106 Ky. 864 (1899); State vs. American Surety Co., 133 N. W. 235 (1911), interpreting Art. 2, Chap. 91a, Comp. Stat. Nebraska, 1911. Reversed in 135 N. W. 365 (1912).

Specific Anti-Compact Laws.

Owing to this necessity for definiteness it became the practice to specifically enumerate insurance as included within the scope of the various acts.⁽²³⁾ The following law of Arkansas⁽²⁴⁾ is an illustration of the type.

Anti-Trust Regulations.—Defining Conspiracy to Regulate Prices.

Sec. 142. Any corporation organized under the laws of this or any other State, or country, and transacting or conducting any kind of business in this State, or any partnership or individual, or other association or persons whatsoever, who are now, or shall hereafter create, enter into, become a member of, or a party to, any pool, trust, agreement, combination, confederation or understanding, whether the same is made in this State or elsewhere, with any other corporation, partnership, individual, or any other person or association of persons to regulate or fix either in this State or elsewhere the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning or tornado, or to maintain said price when so regulated or fixed, or who are now, or shall hereafter enter into, become a member of, or a party to any pool, agreement, contract, combination, association, or confederation, whether made in this State or elsewhere, to fix or limit in this State or elsewhere, the amount or quantity of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by any corporation, partnership, individual or association of persons aforesaid, shall be deemed and adjudged guilty of a conspiracy to defraud and be subject to the penalties as provided by this Act. (Sec. 1, Act 1, 1905.)

Propriety and Scope of Anti-Compact Laws.

Inasmuch as the power to regulate insurance rests entirely with the States, combinations to prevent competition in rates have been held proper subjects

⁽²⁰⁾ Queen Ins. Co. vs. Texas, 86 Tex. 264, 265.

⁽²¹⁾ Amer. Fire Ins. Co. vs. State, 75 Miss. 24 (1897). Noyes, "Intercorporate Relations," Sect. 435, footnote.

⁽²²⁾ Queen Insurance Co. vs. Texas, 86 Tex. 250.

⁽²³⁾ The following laws enumerating insurance as covered by their provisions existed January 1, 1914:

Arkansas, Laws 1905, Act. 1, Sect. 1 et seq., as amended by Laws 1913, Act. 161. Kansas, Laws 1889, Chap. 257, Sect. 1; General Statutes, Sect. 5185; Laws 1897, Chap. 265, Sect. 1; and General Statutes, Sect. 5142.

Mississippi, Code 1906, Sect. 5002, as amended by Laws 1908, Chap. 119, Sect. 1.

Missouri, Revised Statutes 1909, Chap. 98, as amended by Laws 1913.

Nebraska, Cobbe's Annotated Statutes 1911, Sect. 12,000 et seq. and Compiled Statutes 1911, Sect. 6281.

South Carolina, Civil Code 1912, Sect. 2437 et seq.

Texas, General Laws 1903, Chap. XCIV, p. 119, as amended by General Laws 1907, and Revised Civil Statutes 1911, Art. 1454.

Missouri now has a law, however, providing for supervision.

for the exercise of State powers. Where a State legislates against "trusts" this term may be made to include, by definition, such a combination as above mentioned. Thus in *State vs. American Surety Company*,⁽²³⁾ the court said in relation to a statute of Nebraska: "Evidently the words 'trade and business' are intended as a generic term to embrace all the transactions and practices set forth in the preceding section, and properly include the regulation of insurance contracts in restraint of competition." In *German Alliance Insurance Company vs. Hale*,⁽²⁶⁾ such laws were regarded as a valid exercise of the State's police power. The courts have held that an act providing for the expulsion from the State of any foreign company participating in a pool or combination was within the power of the State, which had no limitation by State or Federal constitution.⁽²⁷⁾

The question of the extent of application of a State law to combinations and agreements made outside the State is a doubtful one.⁽²⁸⁾

Constitutionality of Anti-Compact Laws.

Statutes designed to prohibit rate-making associations have been attacked as contrary to the State and Federal constitutional provisions regarding the right of contract, equal protection and due process of law.

The first of these was introduced as a basis of complaint in the case of *Greenwich vs. Carroll*,⁽²⁹⁾ and the decision at first favored the contention, stating that the law prevented fire insurance companies from making contracts which other persons might make, such as laborers fixing the price of their labor. The verdict of the Circuit Court was reversed, however,⁽³⁰⁾ and the law in question⁽³¹⁾ held not to contravene the State or Federal constitutions.

A law which provides that any insurance company connected with a tariff association should be liable for 125 per cent of any loss or damage⁽³²⁾ has been considered not to deprive the company of the equal protection of the laws or deny it due process of law.⁽³³⁾ A provision that such a company could not enforce the stipulations of the standard fire policy requiring notice and proof of loss was held equally valid.⁽³⁴⁾

Devices to Evade Anti-Compact Laws.

Wherever questioned the attempts to accomplish the same objects without violating the laws have been unsuccessful. Thus where agents had formed

⁽²³⁾ Insurance Laws of Arkansas, 1913, Chap. XV, Sect. 142, p. 69.

⁽²⁵⁾ *State vs. American Surety Co.*, 135 N. W. 365 (1912), reversing 133 N. W. 235 (1911).

⁽²⁴⁾ *German Alliance Ins. Co. vs. Hale*, 21 S. C. 246 (1911); see also *Firemen's Fund Ins. Co. vs. Hellner*, 49 So. 297 (1909).

⁽²⁷⁾ *Hartford Fire Ins. Co. vs. Perkins*, 125 Fed. 502 (1903).

⁽²⁸⁾ See *Hartford Fire Ins. Co. vs. State*, 89 S. W. 42 (1905), and *State vs. Lancashire Fire Ins. Co.*, 66 Ark. 466 (1899).

⁽²⁹⁾ 125 Fed. 121 (1903). See also *Niagara Fire Ins. Co. vs. Cornell*, 110 Fed. 816.

⁽³⁰⁾ *Carroll vs. Greenwich*, 26 Sup. Ct. Rep. 66, 199 U. S. 401 (1906).

⁽³¹⁾ Code of Iowa, 1897, Sect. 1754.

⁽³²⁾ Alabama Code, 1896, Sect. 2619, Code 1907, Sect. 4594.

⁽³³⁾ *German Alliance Ins. Co. vs. Hale*, 21 Sup. Ct. Rep. 246 (1911); *Firemen's Fund Ins. Co. vs. Hellner*, 49 So. 297 (1909).

⁽³⁴⁾ *Aetna Ins. Co. vs. Kennedy*, 50 So. 73 (1909); *Continental Ins. Co. vs. Parkes*, 39 So. 204 (1905).

an association, a requirement of which was that they were not to forward policies until the same had been submitted to the "stamping department"⁽³⁵⁾ of the association, the court held that the acts of the agents were the acts of the companies, ratified by the latter also by the receipt of the premiums.⁽³⁶⁾ Upon the passage of an anti-compact law in Missouri, the Association of Fire Underwriters of Missouri was dissolved and an independent rater supplied books of rates to the companies. Agents and brokers formed a club known as the "Underwriters' Social Club" for the purpose of maintaining a stamping department. This was characterized by the court as "a plain, palpable, but bungling pool, trust, agreement, combination, confederation and understanding, organized to avoid said anti-trust statute," and illegal.⁽³⁷⁾

In the light of the foregoing decisions it is hard to see how insurance companies can escape the effects of statutes specially prepared to apply to them, regardless of the inadvisability of attempting to do so, since a rewording very simply accomplishes the object of the legislator. Only two decisions⁽³⁸⁾ have been found which upheld the legality of such combinations or associations, under specific prohibitory laws, and one was reversed by a higher court, although the advantageous features of rate-making associations have sometimes been admitted.⁽³⁹⁾ The tendency has rather been to allow the statutes a wide scope than to limit their application, and recent decisions have shown no change in this attitude. In 1912 combinations of this nature, defined by law as "trusts," were again stated to be unlawful.⁽⁴⁰⁾

State Rating Laws.

The importance of the two types of laws described was considerably lessened, however, by the recognition of some States of the principle of co-operation. These States, which unconsciously took the first step toward a rational treatment of the issue, admitted what they had long denied, that all companies should charge the same rate, but determined that the States should fix the rates charged.

While recent rate legislation may be described as consisting of laws which require the States' supervision of rates and those authorizing Government fixing of rates, it may be further classified as

- (1) Laws requiring the filing of rates with State officials.
- (2) Laws providing for a revision by the companies of rates found by a hearing to be unfair.
- (3) Acts creating State Boards to fix and enforce rates.

(I) The first type, requiring the filing of rates, is illustrated by the law of Arkansas.⁽⁴¹⁾ Corporations and associations doing business in the State are required to file a schedule of rates with the State Auditor or Insurance Com-

⁽³⁵⁾ See pp. 14, 26.

⁽³⁶⁾ *State vs. Aetna Ins. Co.*, 150 Mo. 113 (1899).

⁽³⁷⁾ *State vs. Firemen's Fund Insurance Co.*, 152 Mo. 1 (1899).

⁽³⁸⁾ *Greenwich vs. Carroll*, 125 Fed. 121 (1903); *Niagara Fire Ins. vs. Cornell*, 110 Fed. 816.

⁽³⁹⁾ *State vs. Aetna Ins. Co.*, 150 Mo. 113 (1899).

⁽⁴⁰⁾ *State vs. American Surety Co.*, 135 N. W. 365 (1912).

⁽⁴¹⁾ Laws 1913, Act. 159, approved March 12, 1913.

missioner, and underwriters may employ a common expert to inspect and rate risks and advise the premiums to be charged. Such premiums must be uniform for all risks rated under the same schedule. Such laws exist in several States and are simply important as exemplifying the permission to co-operatively determine rates.

(II) An example of the second type is found in the law of Kansas, 1909.⁽⁴²⁾ Basis schedules are required to be filed with the Superintendent of Insurance, showing proposed rates and any matters affecting such rates. Ten days' notice must be given of changes in rates and the new rates filed, unless otherwise permitted by the Superintendent of Insurance, who has the power to order changed excessive, unreasonable or inadequate rates. Contracts may be made affecting risks for which no schedule has been filed, provided a schedule is filed within 30 days after the risk is written. Schedules and local tariffs filed as above are open to the inspection of the public and local agents are required to exhibit copies of the same. Appeals from the Superintendent's decisions may be taken to the district courts of the State.

The law of Massachusetts provides a Board of Appeals, consisting of two citizens of the Commonwealth and the Insurance Commissioner, to consider complaints of unfair or discriminatory rates and make such recommendations as it deems advisable.⁽⁴³⁾

The oldest of the three acts above mentioned, and the only one on which a decision has been rendered, as far as known, is that of Kansas. This was attacked in the courts⁽⁴⁴⁾ on the ground that it was unconstitutional, constituting an interference with the right of private contract, guaranteed by the Fourteenth Amendment. This view was not upheld by the court, which considered the act a valid exercise of the State's Police Power. On April 20, 1914, the United States Supreme Court decided the act was constitutional.⁽⁴⁵⁾ It was said that "business, by circumstances and its nature, may rise from private to be of public concern, and be subject, in consequence, to governmental regulation. * * * Contracts of insurance, therefore, have greater public consequence than contracts between individuals to do or not to do a particular thing whose effect stops with the individuals. * * * It is, therefore, within the principle we have announced."⁽⁴⁶⁾

The dissenting opinion objected on the ground that the majority decision opened the way to State price-fixing on any sort of an article. This is one of the most important of recent rate decisions.

The State rating acts providing for the actual promulgation of rates by the States remain to be discussed.

The public interest in common law actions and anti-trust statutes against underwriters' associations and in the revision of rates by the State

⁽⁴²⁾ Laws 1909, Chap. 152. A similar law recently existed in Missouri (Act of March 18, 1911), entitled the Oliver State Rate Act, but was practically repealed by the Orr Act, March 24, 1913 (Laws 1909, Chap. 98, as amended by Laws 1913).

⁽⁴³⁾ Acts 1911, Chap. 492.

⁽⁴⁴⁾ German Alliance Ins. Co. vs. Barnes, 189 Fed. 769 (1911).

⁽⁴⁵⁾ German Alliance Ins. Co. vs. Lewis, 34 Sup. Ct. 612.

⁽⁴⁶⁾ German Alliance Ins. Co. vs. Lewis, pp. 618, 619, 620.

was considerably diminished by the passage of more radical legislation.

(III) These statutes, commonly known as State rating acts, are the ones most strenuously objected to by the companies, although it must be recognized that the laws providing for revision of rates by State officials practically give the latter the authority to determine what the rates shall be. This result is not obtained with the same ease as under the rating acts, however, as many revisions may be necessary to attain the desired ends. The law of Kentucky,⁽¹⁾ prominent because of the withdrawal from the State of the companies upon its passage, may be selected as an example of this legislation, although similar laws exist in Texas, Louisiana and Nebraska⁽²⁾ and were proposed in Mississippi and Florida.⁽³⁾

The supervision of rates is delegated to the Insurance Commissioner and two citizens appointed by the auditor, and for this purpose the companies are required to file general basis schedules, specific rates, rate cards, inspection reports of towns and a basis schedule of the Analytic System. These may be prepared by an agent employed by the companies in common. The rating board is expected to consider the reasonableness of rates and the selection of basis tables. The significant feature of the act, however, is that the Board may also prepare reasonable schedules and after the promulgation of these it is unlawful for any company to use a rate obtained by any other. The information necessary for the preparation of such rates the companies are required to furnish. The records of the Board are open to public inspection and the companies' agents are required to display the promulgated rates. The Board has access to the records of underwriters' associations. An appeal from its decision may be had to the Circuit Court of the State.

The companies proposed a substitute for the above law which endowed the Insurance Commissioner with these powers instead of a rating board, on the ground that there would be less danger of political influence; but this failed of adoption. The Western Union considered the withdrawal of its members from the State because of dissatisfaction with the act, but the underwriters could not agree on this action and decided to bring a bill in equity in the Federal District Court to restrain the enforcement of the act. This Court decided against the companies,⁽⁴⁾ saying "The business of fire insurance is not impressed with a public use in the sense that the public can demand service, but it has at least a quasi-public, as distinguished from a purely private, character." Accordingly it was held that the act was within the power of the State.

This was a great disappointment to the companies, as it was estimated that the new law would cost them about \$90,000.⁽⁵⁾ Furthermore, the State Board ordered that new rates involving a reduction on dwellings, for example, of 30 per cent should go into effect March 15, 1913; but in March the reduc-

⁽¹⁾ Laws of Kentucky, 1912, Chap. 5.

⁽²⁾ Texas, 1910; Louisiana, 1910, Act 219; Nebraska, Insurance Code, 1913, Art. II; applies only to surety companies.

⁽³⁾ Mississippi, February, 1912. See United States Review, February 22, 1912. Florida, April, 1913, House Bill No. 3.

⁽⁴⁾ Citizens Insurance Co. vs. Clay, 197 Fed. 435 (1912).

⁽⁵⁾ United States Review, April 4, 1912.

tion was diminished to 10 per cent, it having been shown that the companies had made no profit even at the original rate.⁽⁶⁾

In the following year the law previously analyzed was modified slightly by the passage of the Glenn-Greene Amendment. This was extremely radical as passed by the House, giving the Board arbitrary powers subject to little or no restraint, as well as the right to fix maximum rates instead of the mandatory rates provided for in the original bill. Such rates would not have had even the mandatory rates' advantage of preventing price-cutting and discriminations, the real evils in insurance. This amendment was considerably modified before passing the Senate.

The Kentucky rate law has been tested in the United States District Court and the opinion rendered⁽⁷⁾ was that insurance was at least of a quasi-public character and subject, therefore, to State regulation. The legislature may, therefore, require companies to file data and appoint a board to fix the only lawful rates, this constituting no impairment of the rights of a company organized in another State and licensed to do business in Kentucky. The classification of companies for rate-fixing purposes cannot be considered as denying to all the equal protection of the laws and, therefore, is not unconstitutional.

In Nebraska, however, a board was provided to establish the rates to be charged by all surety companies doing business within the State. In an action brought by the American Surety Company the court declared that this was unconstitutional, depriving such companies of property without due process of law, in violation of the Fourteenth Amendment.⁽⁸⁾

The constitutionality of such laws is, therefore, an open question at the present time, with a tendency apparent to hold them within the States' powers. Against such a tendency we find the decision in the surety case and certain defects in the operation of these statutes. Likewise a strong dissenting opinion which favored the companies was filed in the case of Citizens Insurance Company vs. Clay.

Results of State Regulation.⁽⁹⁾

The earliest attitude of States toward insurance combinations, as is natural, was one of indifference. While the common law was available for the redress of wrongs, either real or fancied, it was seldom made use of, although one or two cases of comparatively early date may be found. Some State constitutions contain prohibitions against monopoly and restraint of trade.⁽¹⁰⁾ With the development of antagonism to all forms of combinations, the common

⁽⁶⁾ New York Journal of Commerce, March 8, 1913.

⁽⁷⁾ Citizens Insurance Co. vs. Clay, et al., 197 Fed. 435 (1912).

⁽⁸⁾ American Surety Co. of New York vs. Shellenberger, et al., 183 Fed. 636 (1910).

⁽⁹⁾ For an extended discussion of the historical development of fire insurance legislation see the author's "Commonwealth vs. Co-operation," Rough Notes, April 22, 1915.

⁽¹⁰⁾ Arkansas, Art. II, Sect. 19; Georgia, Art. IV, Sect. 2, Par. 4; Kentucky, Sect. 198; Louisiana, Art. CXC; Maryland, Art. XLI; Mississippi, Sect. 198; New Hampshire, Art. 82; North Carolina, Art. I, Sect. 31; North Dakota, Art. VII; Oklahoma, Art. IX, Sect. 45; South Dakota, Art. XVII, Par. 20; Tennessee, Art. I, Sect. 22; Texas, Art. I, Sect. 26; Washington, Art. XII, Sect. 22; Wyoming, Art. I, Sect. 30, and Art. X, Sect. 8.

law was deemed inadequate protection and anti-trust statutes became common. Their object, in brief, was to destroy combination and promote—even enforce competition. By them the States said, “There shall be no measurement,” for measurement presupposes a standard, which is possible only by co-operation.

This attitude is now being very generally recognized as fallacious and inadequate, inasmuch as it offers no inducement for a solution of the problem of equitable rating. State authorities speak of these laws as follows: “If there are any instances of anti-compact laws having served to reduce the cost of fire insurance anywhere, I have failed to find them. * * * From general observation I am convinced that a rate-controlling compact or monopoly never existed in the fire insurance field. * * * I think we can safely set it down as a fact that the condition of free and open competition sought to be retained by the passage of anti-compact laws has promoted rather than prevented high fire insurance rates.”⁽¹¹⁾ “Inequality and injustice must necessarily result from the operation of this system. * * * In my opinion competition in fire insurance rates is illogical, opposed to sound public policy and undesirable from every standpoint.”⁽¹²⁾ The statement of the Merritt Commission of New York State to investigate fire insurance may be summarized as follows:

- (1) The making of equitable rates demands co-operation.
- (2) Open competition weakens the protection given and eliminates the smaller companies.
- (3) The only alternative to open competition is combination, not merely to make, but to maintain rates.
- (4) The effect of anti-compact laws has been not to bring back a state of open competition, for this is an impossible condition, but to introduce a weakened substitute for combination, the selling of “advisory” rates by an independent rater.
- (5) The discrimination in anti-compact States has become so offensive that there is a strong movement toward regulation.⁽¹³⁾

Lack of space alone prevents quotations from many other sources to the same effect.⁽¹⁴⁾

The results of all the State rating laws were very similar. Kentucky furnishes the most recent illustration. After the rejection of the companies’ substitute bill giving the Insurance Commissioner power over rates, the latter threatened to withdraw from the State in a body. A committee of leading underwriters from Hartford, New York and Chicago conferred with the Gov-

⁽¹¹⁾ Fire Marshal Peterson, of Minnesota. See A. F. Dean, “State Regulation in the Light of Experience,” Chicago, 1909, p. 9.

⁽¹²⁾ Thomas B. Love, Insurance Commissioner of Texas. See A. F. Dean, “State Regulation,” Chicago, 1909, p. 9.

⁽¹³⁾ Report of Joint Legislative Committee of New York to investigate Insurance. Submitted February 1, 1911, pp. 76, 77.

⁽¹⁴⁾ W. N. Johnson, address at Nashville, Tenn., January 30, 1909; C. C. Nadal, “Insurance Rate-Making Associations,” Fidelity and Casualty Co. of New York, 1912; Attorney General Straus’ advice to Governor Crothers of Maryland, in re the petition to proceed against the Association of Fire Underwriters of Baltimore; William Emmet, Superintendent of Insurance, New York, Report for 1913.

error, and while meetings to consider the situation were being held a \$150,000 fire occurred at Hogdensville, Ky., in which 23 buildings were destroyed while covered only by \$50,000 insurance. Most of the owners were unable to build without reimbursement for their loss and were unable to obtain loans without insurance protection.

Louisville banks, anxious as to their security, requested information from borrowers as to the value of their merchandise, the amount of insurance carried, the amount maturing in each month until October and what arrangements, if any, had been made for replacing this insurance.

By March 10 forty-seven companies are reported to have withdrawn from the State⁽¹⁵⁾ and two weeks later industrial concerns were considering the removal of their places of business to other States. There was estimated to be in bond in the State alcoholic liquor valued at \$162,000,000, represented by storage receipts which, with insurance policies attached, were pledged as collateral for loans. The banks desired these loans liquidated, if further insurance could not be obtained, and whiskey, tobacco and other commodities were not acceptable as collateral for proposed loans without insurance. Commercial credit was restricted by manufacturers, wholesalers and banks.⁽¹⁶⁾

The pressure by business interests was so great that a conference was held in April, 1914, for the purpose of having the State and the companies make such concessions as would enable the latter to resume business. As the companies' demand was non-enforcement of the Glenn-Greene Amendment and the State would offer no concessions of this nature it was a flat failure.⁽¹⁷⁾ In June an agreement was reached containing the following important features:

(1) The Business Men's Committee would enter suit to test the constitutionality of the law and the Insurance Board would not enforce the provisions of the Glenn-Greene Amendment until the question of constitutionality had been determined by the courts. (2) The Governor would appoint a committee, one member to be selected by the State Insurance Board, one member by the National Board of Fire Underwriters, and one member by the Committee of Business Men, to make an exhaustive study of State laws regulating rates with a view to formulating legislation on the subject. (3) The Actuarial Bureau would furnish memoranda of remediable defects to the State Insurance Board on risks rated hereafter, the Board agreeing to refrain from calling on the companies or the Bureau for copies of surveys or classification figures except to test the accuracy of the application of a schedule. (4) All companies which had withdrawn from the State would be permitted to resume business without the application of any penalty. (5) Rates would be reduced by the Actuarial Bureau wherever improvements were made. (6) The Business Men's Committee would guarantee the faithful execution of the agreement. Pursuant to this understanding, the companies resumed business in Kentucky, and the Circuit Court, on June 12, held the Act unconstitutional and issued a temporary order restraining its enforcement.

⁽¹⁵⁾ U. S. Review, March 12, 1914. Twenty had withdrawn on March 9.

⁽¹⁶⁾ U. S. Review, March 26, 1914.

⁽¹⁷⁾ U. S. Review, April 23 and 30, 1914.

In Missouri similar events transpired. After a long dispute the State finally realized the impossibility of imposing such onerous burdens on the companies and agreed that the Orr Law, passed in 1913, should not be enforced pending an investigation by a commission. The Commission's report in 1915 formed the basis of a proposed law of the type next to be described.⁽¹⁸⁾

The foregoing description of State rating laws makes it apparent that these, although possessed of proper purposes, namely publicity, protection of the public and prevention of discrimination, are stronger medicine than the disease requires. They are but one step in the development of a logical, reasonable treatment of the rate question. The power to revise is, in the last analysis, the power to establish; we may consider in the same place, therefore, the objections to the laws which provide for the revision or fixing of rates by State boards. The following are alleged to be the difficulties and evil results of State rating:

(1) It is contended that they interfere with freedom of contract with respect to a business which has, as we have seen, been held by some courts to be of a private and not of a public nature. This view was very clearly stated in the companies' brief in connection with the Kentucky law.⁽¹⁹⁾

"Has the State the power or the legal right to fix the price at which a purely private corporation shall sell its commodities?"

"The test of whether a use is public or not is whether a public trust is imposed upon the property, whether the public has a legal right to the use which cannot be gainsaid or withdrawn at the pleasure of the owner.

"The business of fire insurance is not a public business, and it is not impressed with a public use, but, on the contrary, it is a private business, transacted by purely private companies.

"State regulation of the rates and charges of purely private corporations, or private individuals, who transact a private and not a public business, is clearly prohibited by the Fourteenth Amendment to the Constitution."

(2) It is unfair for the State to limit the amount which the companies may collect in premiums, without guaranteeing them against loss. If the State has the privilege of deciding what rates are not exorbitant, it should also assume the burden of recompense if it has fixed rates which are inadequate.⁽²⁰⁾ As stated by Mr. George W. Babb: "It appears to me to be self-evident that whoever pays the losses should make the rates, and whoever makes the rates should pay the losses. If the State makes the rates the State should pay the losses and take the premiums. If the State makes maximum rates for the insurance companies, leaving the latter to pay the loss, the State should guarantee a reasonable profit on the business."⁽²⁰⁾ It may say that any dissatisfied underwriter may withdraw, but the results of this attitude have been described.

(3) The companies have urged that it is unfair to require them to con-

⁽¹⁸⁾ Report of Commission to Investigate Insurance, Missouri, 1915.

⁽¹⁹⁾ The analysis given appeared in the United States Review.

⁽²⁰⁾ President's address, Proceedings of 46th Annual Meeting of the National Board of Fire Underwriters, May, 1912, p. 28.

tribute through taxation thousands of dollars to support a State rating board, which will be of no additional benefit to them and the cost of which may exceed that of the method which they privately maintained. Thus in Kentucky a fund of \$25,000 was required to be pro-rated among the companies, and this was considered by them as confiscation of property without due process of law.⁽²¹⁾

(4) Political influence may exert a power for the benefit of special classes which should be used in obtaining justice for all. The New York Legislative Committee in its report said:⁽²²⁾ "This is a very dangerous power; it is conceivable that it might be used for political purposes; at any rate he who exercised the power would have effective pressure brought to bear on him from only one direction, that is, to reduce the rates, while, at least in certain emergencies, the situation might demand an increase."

(5) The supervision of the business, although requiring ability and experience, will generally devolve on those whose only qualification is their participation in political activities. To make the rates the State must collect statistics, presumably from the companies; employ experts, presumably experienced insurance men; and use schedules, either those now used by the companies or their own expensive substitutes. "The situation must be very aggravated that would warrant the State in assuming such an extended and technical piece of work."⁽²³⁾ "Our investigation leads us to the conclusion that any attempt by the State to assume the function of creating or originating rates for fire insurance would be a serious mistake."⁽²⁴⁾

(6) The inequalities and lack of relation present in State and municipal taxes afford a presumption that the fire tax will be inequitably distributed.

(7) The compilation of statistics is possible only with the co-operation of underwriters.

(8) If the State assumed entire control of the business it could not accomplish its objects, judging from the results in other countries where State insurance has been tried. Their experience, it is claimed, shows that insurance conducted by the State neither reduces rates nor yields a profit.⁽²⁵⁾ What can be accomplished then merely by the control of rates?

(9) Average and distribution are bases of fire insurance and rates should not be founded on the experience of the separate States. The theory of the Texas Board at the outset was that Texas premiums should pay for Texas losses.⁽²⁶⁾ The issue correctly stated would be, shall Texas policyholders evade liability for losses in other States and outside policyholders help to pay Texas losses? The New York Committee report states: "Insurance is based on gen-

⁽²¹⁾ United States Review, April 4, 1912.

⁽²²⁾ Report of the Joint Committee of the Senate and Assembly of New York on Insurance Investigation, February 1, 1911.

⁽²³⁾ *Ibid.*, p. 52.

⁽²⁴⁾ Report of Illinois Fire Insurance Commission, 1911, p. 74.

⁽²⁵⁾ A. E. Wall, "Some Popular Fallacies with Regard to Fire Insurance," "The Market World and Chronicle" (now "The Economic World"), November 8, 1913, p. 607.

⁽²⁶⁾ United States Review, March 14, 1912.

eral average; no one locality is sufficient for this, not even a State, not even the United States in the case of large conflagrations. If rate-making were lodged with the State and the experience of that State had been favorable, the tendency would be to make rates purely upon this experience. The most serious effect of this would be that, in case of a large conflagration, it would be impossible for a company to recoup itself, for each State in standing upon its own experience would refuse to contribute to any outside loss; the result would be that the State in which the conflagration occurred would have to pay the entire loss. This would, of course, break down the very first principle of insurance, for one State is insufficient to stand the shock of a large conflagration."⁽²⁷⁾ Notwithstanding, the danger of a single city's experience being taken as a basis appears. In April, 1912, the City of Austin, Texas, applied to the Texas Insurance Rating Board for a compulsory reduction of its rates to a lower plane than those of any other city in the State. The argument advanced was that the rates for Austin should be based upon the city's own experience and that citizens of Austin should not be compelled to pay premiums sufficient to take care of fire losses in other communities. On the other hand, in some States the fallacy of such an arrangement is realized. Mr. F. W. Potter said:⁽²⁸⁾ "I am more than ever persuaded that it is the duty of those States having rational insurance laws, and making a fair contribution to the common fund, to prohibit by law the admission of companies which operate in States where, under the statute, fire insurance is not permitted to exercise its functions with reasonable freedom, nor to collect a premium commensurate with the hazards in such States."

This awakening of some States necessarily has its disadvantages from the companies' viewpoint. They seem to be between the upper and lower millstones—compelled to do business in some States at inadequate premiums and prevented from collecting any at all in others because of it. It would seem, therefore, that State rating laws serve only to reduce premiums and that to such an extent as to jeopardize the safety of the companies and to cause them to withdraw from a business without profit. While the State rating boards have the power to correct the evils which have been stated to exist, it would be advisable to attain this end by a less dangerous method.

In brief, State rating laws appear to be, in the first place, a stronger remedy than the disease requires and, secondly, one which, even as it cures, creates new ills. It would be advisable to retain the economic advantages of associations and to eliminate their objectionable features by less stringent measures. This is provided for by laws similar to that of New York, West Virginia and North Carolina.⁽²⁹⁾ Such acts stop short of actually fixing insur-

⁽²⁷⁾ Report of New York Legislative Investigating Committee, 1911, p. 52. See also E. G. Richards, "Experience Grading and Rating Schedule."

⁽²⁸⁾ Annual Report, Commissioner of Insurance, 1912. Also see New York Journal of Commerce, August 25, 1913, and "The Market World and Chronicle" (now "The Economic World"), July 5, 1913.

⁽²⁹⁾ New York Laws 1909, Chap. 33, Sect. 41, as amended by Laws 1911, Chap. 460 and Laws 1912, Chap. 175. North Carolina, Laws 1913, Chap. 145. West Virginia, Acts 1913. Other States have since adopted this form of law.

ance rates, and avoid all of the objections and disadvantages inherent therein. They allow the associations which have been so beneficial in the past to exist and yet subject them to the closest supervision by the Insurance Department.

Laws Providing for Supervision.

The New York, West Virginia and North Carolina laws are identical and provide that corporations, associations and bureaus for suggesting, approving or making rates to be used by more than one underwriter shall:

- (1) File with the Insurance Commissioner a copy of their articles of agreement, by-laws and a statement of business addresses and names of members.
- (2) Furnish such other information as the Commissioner may require.
- (3) Submit to visitation, supervision and examination by the Commissioner as often as he deems expedient and at least once every three years.
- (4) File rates and schedules at request of the Commissioner.
- (5) Keep records of proceedings and upon request furnish the insured with information as to his rate and a copy of the schedule by which his property was rated.
- (6) Provide means of hearing interested parties before their governing or rating committees or other proper authorities.

The associations and bureaus are prohibited from:

- (1) Specifying that the rates depend upon placing the whole or a specified amount of insurance at such rates.
- (2) Requiring that all insurance be taken with subscribers to such organizations.
- (3) Discriminating in rates. The Commissioner may hear cases and order discriminations removed and they shall not be removed by an increase in rates unless justifiable.

Whereas other laws prohibited co-operation, even attempted to enforce competition and took away the right of the companies to say at what price they would sell insurance, these acts permit and recognize associations with all their benefits, on the one hand, and prohibit abuses, on the other. In New York all complaints seem to have been promptly investigated and evils are being corrected. An extensive investigation of the most important association in New York was conducted, which analyzed its deficiencies at length.

The report of the Merritt Committee of New York, acknowledged to be the fairest and most intelligent summary of the business yet given, said:

"It is, therefore, recommended that no anti-compact bill be passed, but that in place thereof a statute be enacted that **will permit combination under State regulation**, such regulation to stop short of actually fixing the price at which the companies shall sell their insurance, but which will be of such a positive nature that all forms of discrimination in rates will cease." * * * ⁽³⁰⁾
The recent report of the Missouri Investigating Committee states: "A rating or actuarial bureau should be open for membership to all authorized com-

⁽³⁰⁾ Report of the Joint Committee of the Senate and Assembly of New York, February 1, 1911, p. 125.

panies * * * subject to visitation, inspection and examination of the Superintendent of Insurance.”⁽³¹⁾ The report of the North Carolina Investigating Committee recognized in part the advantages of the association.⁽³²⁾ A vice-president and counsel of one of the large companies wrote:⁽³³⁾ “There would seem to be, however, a middle course between the two extremes of State rate-making, on the one hand, with all the consequent defects * * * ; and, on the other hand, complete company control of rate-making without the steadying influence for its control of laws and State supervision to hold the rate-making body up to a full sense of responsibility for its action to the representatives of the people. The necessary joint control and balancing of influence can, I think, be secured by leaving the companies’ selection of the person or persons who shall make rates, but giving to the Superintendent of Insurance the power of examining into the office and methods of the rate-making body, * * * the power to compel removal of discrimination in rates, * * * jurisdiction to review complaints that the schedule used by the rate-making body has not accurately applied to a particular risk.”

Since this study was begun the principle of association with adequate regulation has received greater recognition. Prior to 1915 six States, New York, New Jersey, West Virginia, North Carolina, Washington and Kentucky, had adopted legislation of this nature and during the past year Pennsylvania, Michigan, Missouri, Minnesota, Iowa and Oklahoma enacted such laws. Kentucky and Missouri, which have tried radical prohibitory legislation, will be noted in this list.

In foreign countries little objection has been made to insurance associations making rates. In England one tariff association of practically all companies has existed since 1858, which determines rates for all important classes of property and it has never been found necessary to organize mutuals in order to reduce rates. The same situation exists on the Continent.⁽³⁴⁾ In Germany the private fire insurance companies formed a “Kartell,” or association, in 1899, which has almost completely done away with competitive rate-making.⁽³⁵⁾

After a discussion of various aspects of fire insurance rates and underwriters’ associations a general summary of the conclusions reached would seem to be advisable.

(1) Fire insurance rates are receiving great consideration at the present time and are the greatest problem of the insurance business.

(2) Underwriters’ associations, far from being useless or vicious, have certain definite economic functions.

(3) Certain evils are complained of, some of which are due to competition and others to lack of regulation.

(4) The evils complained of will not be removed by prohibiting combinations or by the State assuming price-fixing powers.

(5) Rational regulation, arising from careful investigation, and knowledge of the principles involved, of those associations which have hitherto performed their functions with reasonable success, will yield the greatest benefit to underwriters and the public.⁽³⁶⁾

- ⁶¹ Report of Findings and Recommendations of the Missouri Fire Insurance Commission, 1915.
- ⁶² 1915, p. 7.
- ⁶³ David Rumsey, "A Suggestion of a Method for the Control of Fire Insurance Rates," "The Market World and Chronicle" (now "The Economic World"), December 6, 1913, p. 740.
- ⁶⁴ L. W. Zartman, "Discrimination and Co-operation in Fire Insurance Rating," Yale Readings in Insurance, Yale University Press, New Haven, p. 223.
- ⁶⁵ Fritz Brauer, "Wirkungen des Feuerversicherung Kartells."
- ⁶⁶ As is usually the case with current economic problems the bibliography on this subject is scattered and not easily accessible. The following is a list of practically all the books, reports and periodicals which more directly pertain to the subject:

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